

LABOUR LEGISLATION  
LABOUR MOVEMENTS  
LABOUR LEADERS

BY GEORGE HOWELL

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California



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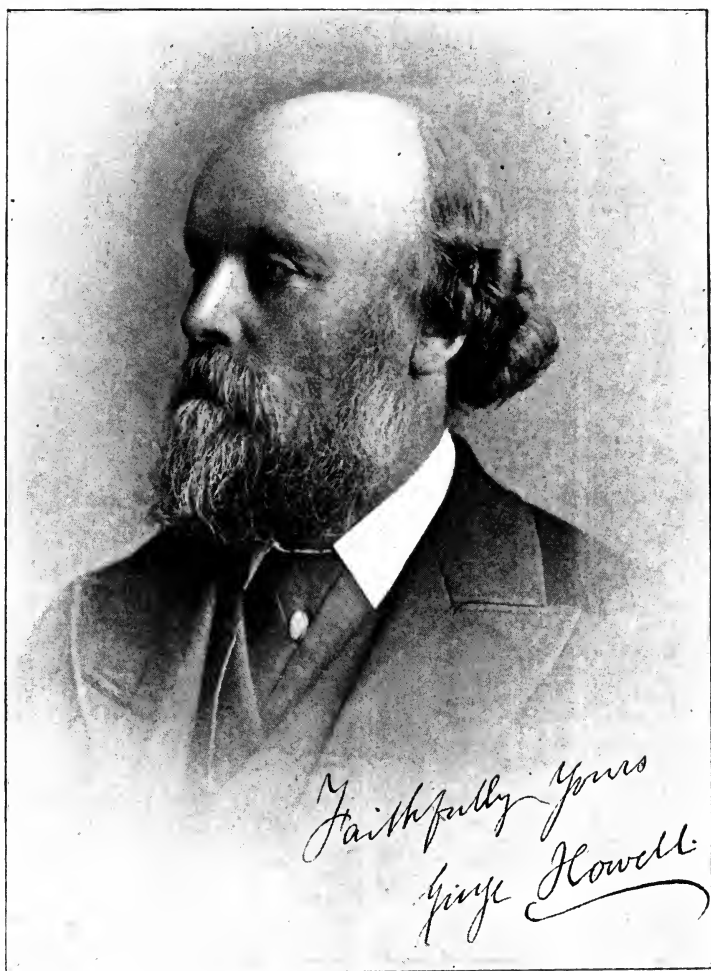
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# LABOUR LEGISLATION LABOUR MOVEMENTS AND LABOUR LEADERS

By GEORGE HOWELL, F.S.S., Ex-M.P.

AUTHOR OF "THE CONFLICTS OF CAPITAL AND LABOUR,"  
"THE HANDY-BOOK OF THE LABOUR LAWS," "TRADE  
UNIONISM NEW AND OLD," AND JOINT AUTHOR WITH  
HERMAN COHEN, ESQ., BARRISTER-AT-LAW, OF "TRADE  
UNION LAW AND CASES"

"Nothing extenuate, nor set down aught in malice"

SHAKESPEARE



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SPRECKELS

## Dedication.

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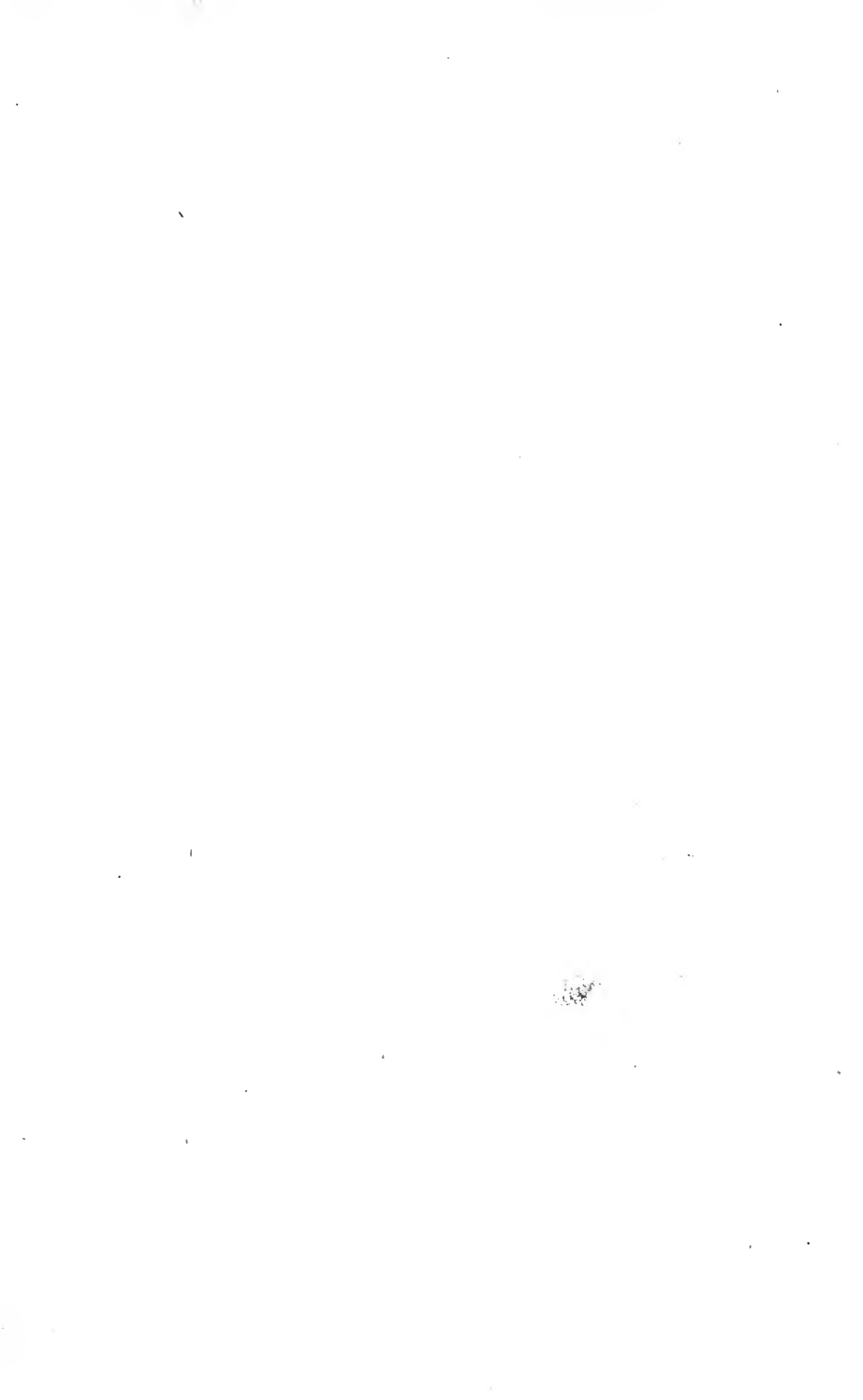
I DEDICATE this work to Robert Applegarth, a loyal friend and earnest co-worker with me in the cause of Labour, Elementary and Technical Education, and general Political and Social Progress for forty years.

We have worked together side by side in the vineyard, in the burden and heat of the day, when the labourers were few, the work dangerous as well as harassing, and the recompense mostly public abuse.

His share in the work, in the sixties and early seventies more especially, is not forgotten by those of his colleagues who still survive ; by me it is remembered with a comrade's sincere pleasure, and the gratification that he is still my friend and companion.

GEORGE HOWELL.

CHRISTMAS DAY, 1901.





## PREFACE

AS references are frequently made, especially during election times, to the respective political parties by whom legislation for labour was carried, it was often suggested to me that I should tell the story as I knew the facts. But I always refused because the whole truth cannot be told from a party point of view. I had, nevertheless, resolved to tell the story from an independent standpoint as early as 1880, but the work was deferred for various reasons until I had more leisure. The story of Labour's struggles, its victories and defeats; the fierce contests which for centuries were waged against it to keep it in subjection; and its resistance from time to time, involving suffering, privation, prosecution, and persecution required to be told, for it finds no place in the so-called "Histories of England." For half a century my lot has been cast amid those struggles; and I have, as best I could, contributed to the amelioration of the hard conditions under which working men still suffered fifty years ago, to emancipate themselves from which they fought and strove against the oppressive forces opposed to them.

The following work is an attempt to trace progressive legislation from the date of the first repeal of the Combination Laws in 1824 to the present time. In order to do so it was necessary to indicate generally, but clearly, the nature of the laws adverse to labour as they existed at the close of the eighteenth and during the first quarter of the nineteenth century. That part of the story required to be told in some detail, as no adequate connected account is elsewhere to be found, a full knowledge of which can only be acquired by the tedious process of

wading through the "Statutes at Large," aided by a complete digest of the laws in force in 1800 and for some years subsequently. I have tried to obviate this necessity once for all, as few, perhaps, will care to attempt the difficult and laborious task of perusing and collating the statutes.

If it be objected that the account here given of labour legislation and movements connected therewith is too circumstantial, I reply that it is better to be too circumstantial than to be too meagre. To have left out an important fact or incident would have been a fault open to criticism; to include what some might regard as not essential, is at the most only an error of judgment. In the endeavour to be accurate, fulness of treatment was necessary. No such record has ever been published, so that the public need information respecting the subjects dealt with, as may be seen daily by references in the Press, on the platform, and even in Parliament itself.

It may be said that the personal pronoun is used too freely. Perhaps it is, but not through egotism. In places I have had to record facts and incidents not only within my knowledge, but with which I was personally concerned, and had indeed much to do. I was the representative and mouthpiece of others—the medium of communication between parties and persons, oftentimes the only one, in and out of Parliament.

In some instances I have had to speak of matters known only to myself; at other times to one, two, or three others. In such cases I alone am responsible for the accuracy of the record. At the same time I have made use of such documentary evidence to assist my memory as I possess, and probably no other person has a complete set of reports, memorials, tracts, and other papers to refer to. Where I have been in doubt I have consulted one whose knowledge of the events and services can be relied upon, because he was an active coadjutor in the movements described. I may further add that the free use of the personal pronoun enables me to fix upon myself a responsibility which I could not saddle upon others.

I may be charged with repetition in some cases. This was inevitable in such a record where facts and circumstances are of more importance than opinions and reflections. The record covers a very wide field; the subjects dealt with are numerous; and the period over which it runs is long. The narrative, in the main, is chronological. But this method could not be strictly adhered to without endless repetition, for the same subjects come up again and again at different periods. I have therefore detached some subjects, and treated them in sequential form for the sake of clearness. This method has necessitated some repetition, but less, I imagine, than any other method of treatment where the subjects recur frequently.

It may further be said that the treatment is unequal. Doubtless that is the case. But the subjects dealt with are very numerous, and the phases of each vary considerably. There are breaks in their history, the threads of which have had to be picked up at intervals. Much may have happened meanwhile. In such a work the author will have attained much if he has avoided being obscure.

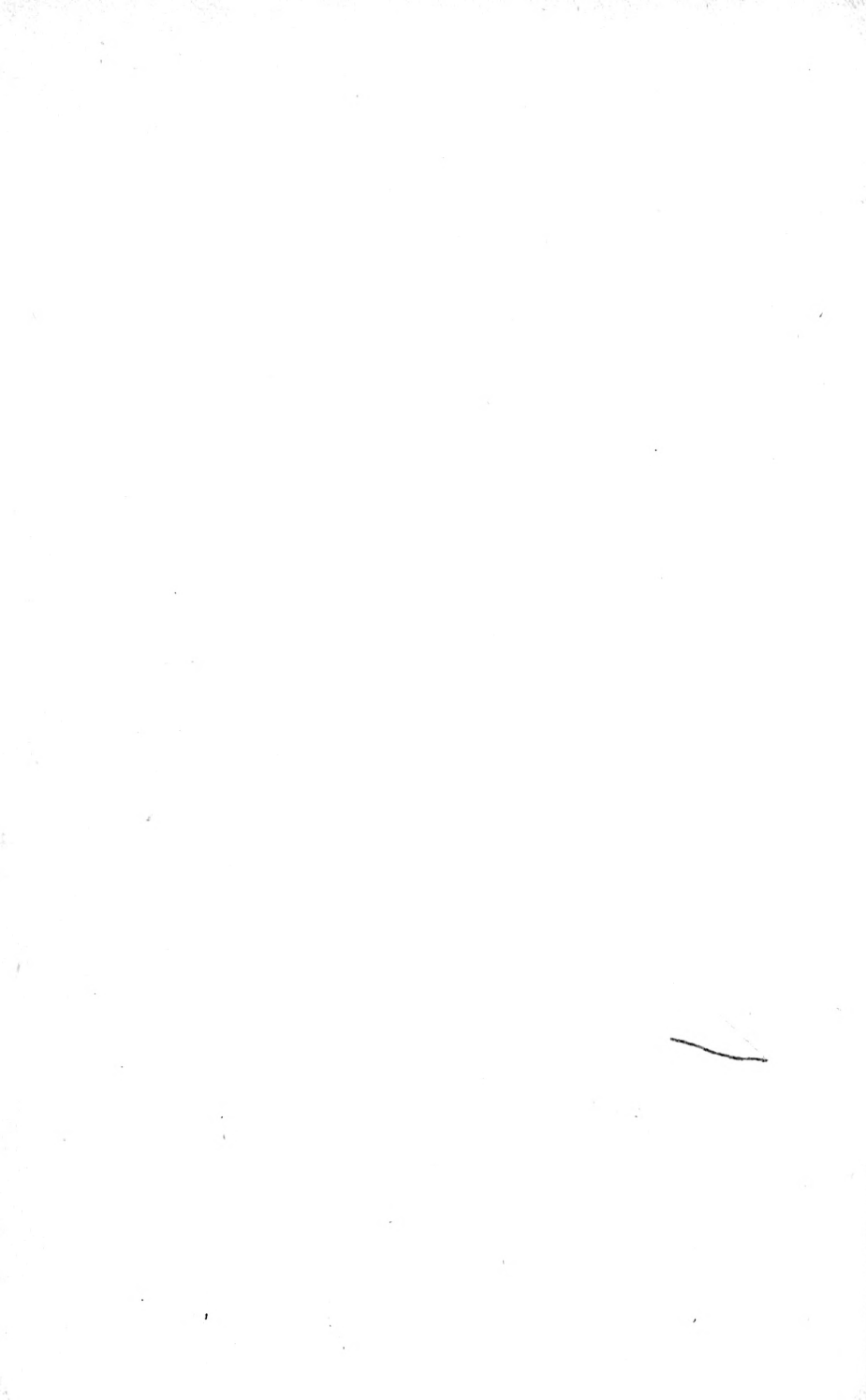
Perhaps a sense of proportion is not always observed. In this respect the writer ought to have some right of judgment. What to others might seem unimportant may to him appear of consequence in relation to the whole or to the particular part objected to. Proportion in a landscape is determinable in an unerring manner. In history the apparently unessential often requires to be in the foreground.

My chief aims have been accuracy and such fulness in the record as will enable the reader to follow and understand the sequence of events, and to estimate the general results. There is a lamentable lack of knowledge of industrial history. We note it day by day in the Press, in speeches of public men, in club life, and in the domestic circle when such matters arise. A wider knowledge is desirable from all points of view.

*December 20, 1901.*

GEORGE HOWELL.

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## CHAPTER I

INTRODUCTION—STATE OF THE COUNTRY—MECHANICAL INVENTIONS—POPULATION—FOOD SUPPLIES—INCLOSURE OF COMMONS, &c.

IT is admitted on all hands that the nineteenth century was unique in the history of progress—unapproached in national development and commercial prosperity. It would seem that all previous centuries were preparatory and contributory. Clearances had to be made, the ground tilled, and the seed sown. In the nineteenth century came fruition, and at least a partial ingathering of the harvest. Partial in this sense—each crop was, in its own way and according to its nature and character, reproductive. The garnering, from time to time, of the enormous produce did not impoverish, but enrich, each successive generation, thus leaving to posterity a vast inheritance, capable of almost infinite expansion, in the twentieth and succeeding centuries.

I. *Popular Testimony as to Progress.*—At the close of the nineteenth and commencement of the twentieth centuries the newspapers, periodical press, and a portion of the general literature of the day were filled with glowing accounts of what had been accomplished during the preceding hundred years. Almost every phase of progress was described, according to the views, idiosyncrasies, peculiar tastes, experience, or knowledge of the respective writers. The descriptions varied in matter and style, but all agreed at least in this—that the progress made was marvellous in almost every respect, as regards the United Kingdom and its colonies and dependencies,

in expansion, population, and wealth, and in commerce and trade, the sources of wealth. The following pages are devoted to the progress of labour—its rights and duties as recognised by the State.

2. *Expansion of Empire.*—The “Australian Commonwealth” was created and constituted at the close of the nineteenth century ; the celebration of the event, and formalities in connection with it, form part of the annals of the year of grace, 1901. At the commencement of the nineteenth century Australia was little known, even to writers on geography, or to Government officials whose duties lay in that direction. To the mass of the English people it was only known as a “penal settlement”—Botany Bay, chiefly, and as such hated. That vast continent, and its adjacent islands, have become the home of the English-speaking race, peopled mostly by British people. Australasia is immense in territory, with enormous resources, capable of speedy development. “The Canadas” have changed into the “Dominion of Canada,” with the accession of that vast territory known as British Columbia, its seat of Government, for that portion, being at Victoria. India was incorporated in the British Empire in 1858, up to which date it was under the management and control of a chartered company, which ended in revolt, bloodshed, and terrible atrocities. The area and population of India under the British Crown have vastly increased since that date—it is indeed our greatest possession in the world. In Africa we have a gigantic stake ; in the South, the Cape and adjacent territory ; in the North we hold Egypt ; and we are now preparing the way for a junction between Cairo and the Cape, with all the mighty responsibilities attaching thereto.

3. *British External Trade.*—With this expansion of Empire and vast increase of population under the British Crown a gigantic British trade has grown up, so colossal in its magnitude, that the human mind is incapable of grasping its proportions. We can only express its magnitude upon paper ; to enable the eye to measure it we compare it with other magnitudes similarly expressed,

and then draw conclusions as to proportion by such comparison. This only refers to our external trade—imports from, and exports to, foreign countries and British colonies and possessions. The carrying capacity of our Mercantile Marine, for the transport of produce and manufactures to and from all parts of the world, is stupendous. Our home trade—production and consumption—is immense—apart from external trade is, indeed, incalculable.

4. *Scientific Discovery and Inventions.*—The last half of the eighteenth century was prolific in discoveries and inventions, but the nineteenth surpassed it in the application of such to manufactures, to transport, and to the conditions of everyday life. The use of water-power and then steam as a motive force were products of the eighteenth century; but the practical application of steam for the purposes of locomotion, navigation, and manufacturing processes belong to the nineteenth century. Gas was first used for lighting purposes in its first decade, though its discovery may have been made earlier. Electricity, magnetism, and allied forces had been subjects of experiment from the days of Newton, Priestly, Faraday, and others, and some idea of their practical utility for the service of man had dawned upon the minds of several at an early date. But it was only in the nineteenth century that these forces were made applicable for the transmission of messages to the farthestmost ends of the earth: for lighting purposes, as a substitution for gas, and then for locomotion. These inventions, developments, and applications have, as it were, annihilated time and space, or at least have rendered those terms elusive, almost unintelligible, as used and understood a hundred years ago. They have changed the whole conditions of life, commercial, manufacturing, industrial, and social, in all essential respects.

5. *Industrial Revolution.*—In all that concerns industry and the social life of the workers the changes are quite as great as in other departments, if not quite so obvious and striking. Domestic industry has given place to huge

manufacturing concerns. Instead of master and man and an apprentice or two—the master a worker and teacher—we have employers on a vast scale, with thousands of *employés*. Hence the necessity for collective bargaining, which in the old times was scarcely needed. One example must suffice. In the textile trades: Arkwright, a barber, and Kay, a clockmaker, invented throstle spinning with the water-frame. Then Hargreaves invented his spinning jenny. Up to 1765 all cotton threads were spun by the fingers; the jenny could spin twenty ends at once. Then Crompton, of Bolton, invented the “mule”; the first machine completed enabled him to spin fifty ends at once of the finest counts. The “mule,” in principle very little altered, now spins thousands of ends, up to five hundred counts, as fine as a gossamer’s web, and employs millions of people in the manufacture. Between 1780, when Crompton was enabled to work his invention, and 1825 our purchases of cotton increased from 6,766,613 lbs. to 147,147,000 lbs., thus adding more than £20,000,000 annually to our national resources.<sup>1</sup> In weaving the power-loom superseded the hand-loom similarly.<sup>2</sup> In all industrial enterprises progressive development has been the same, though not quite so strikingly rapid in its results.

6. *Newer Industries*.—Mechanical inventions, the science of chemistry, and other developments have created newer industries, instituted newer processes and methods. The power of production has been almost infinitely increased, and consumption has almost kept pace with it. The changes have been greater and more manifest in some industries than in others. The most signal, perhaps, is in the textile trades. But, to the general eye, engineering would probably take the lead. A century ago—what was it? A name? Scarcely. The term “mechanic” was known, “machinery” was known, but “engineer” hardly. Now the term “engineering” re-

<sup>1</sup> See “Life of Crompton,” by Gilbert J. French, 1859; and William Morgan, *Bow Churchyard Review*, January, 1901.

<sup>2</sup> See Baines’s “History of the Cotton Manufacture,” 1825.

presents the greatest known force in the universe, creating and controlling the most beneficial mechanical power conceivable, and also, alas ! the deadliest engines of destruction.

7. *Printing and Paper Trades*.—A century ago the printing press was shackled, limited in extent, and its influence retarded. The paper trade was, in a sense, in its infancy. Both have developed amazingly ; they have been perfected by inventions, new processes, and new applications. Wealth has increased beyond the dreams of avarice. Health and luxury have advanced, and in that advance all sections of the people have participated, albeit unequally. Still all have shared. Progress has touched everything ; if it has not effected all that could be desired, it is because evolution works slowly, oftentimes imperceptibly.

8. *Social Condition of the People*.—Great as the progress has been in the directions mentioned, and in others not indicated, it has been nearly as great in respect of labour. This may not be so obvious to the public, not even to statesmen and politicians, as in the cases referred to ; but that arises from the fact that we judge of social and economical conditions by what we see. We compare the present with the present. In other words, we see the divergence of classes, in their social relations, as they exist—the poor and the wealthy, the worker and the capitalist—and then cry out as to the disparity ; the indigence of the one as compared with the luxuriousness of the other affords a striking contrast. Hence we sometimes hear of the rich growing richer and the poor, poorer, a doctrine as untrue as it is repugnant to our sense of justice.

In order to understand the subject here dealt with, and to estimate the progress made, it is essential that we should go back one hundred years, and describe things as they were in relation to labour ; the position of the workpeople as regards rates of wages, the hours of labour, the conditions of employment. To what extent they were protected, or rather unprotected. What was the

real value of wages in commodities—the price of food, clothing, &c., &c. How the working classes were housed, how relieved in sickness and old age. How educated, what their recreations were. What their social status was as men and as citizens. How they were treated as men and as workmen. Under what laws were they governed, and how were those laws administered. All these matters lie at the root of the question—What has labour legislation done for the people?

9. *Population, Famine, Food-supplies.*—At the census date, 1801, the total population is estimated to have been 16,345,646. The respective figures were: England and Wales, 8,892,536; Scotland, 1,608,420; and estimated for Ireland, 5,319,867; the Channel Islands, 82,810. For some years previously there had been serious anxiety as to the possibility of feeding the people, and staving off famine. Starvation there was, sadly enough; privation among the masses was general. Importation of food-stuffs was prohibited to a large extent, or was so hampered with customs duties that prohibitive prices prevailed. The disturbed state of Europe, and the French wars in which we were engaged, sometimes in alliance with other States, and sometimes almost alone, rendered free importations difficult, if not impossible, even if our fiscal policy had been such as to have admitted imports freely. But, in reality, Free Trade was then only a dim dream, foreshadowed indeed by Adam Smith, and perhaps believed in by the few who had read his “Wealth of Nations,” in which such a dream was enshrined.

10. *Inclosure of Commons.*—The one great remedy proposed was the inclosure of commons and the cultivation of waste lands. In 1795 Sir John Sinclair proposed and obtained a Select Committee to inquire into this subject, the outcome of which was three Reports, dated respectively (1) December 23, 1795; (2) April 27, 1797; and (3) April 17, 1800. The resolutions in the first Report declared: (a) “That the cultivation of Waste Lands and Commons is one of the most important objects to which



the attention of Parliament can possibly be directed.” (b) “That the granting of a bounty to encourage the cultivation of potatoes” would be of the greatest value. (c) That a Bill be prepared to facilitate “the division and inclosure of Waste Lands and Commons.” The Committee reported that there were “22,000,000 acres of waste and unenclosed lands in the kingdom, all of which, except 1,000,000 acres, were capable of improvement.” The second Report dealt with the number of private Inclosure Acts, their cost, and the acreage of lands so inclosed. In the four reigns of Queen Anne, George I., II., and III., down to the date of the Inquiry, 1,776 Acts had been passed, the extent of land inclosed being 3,142,073 acres. The third Report, December, 1800, dealt with the fees and costs of Inclosure Bills. The essence of the Reports was that a general Inclosure Act should be passed to facilitate inclosures and cheapen the cost. The common lands were to be filched from the people by Parliamentary sanction, the same to be handed over to landowners and lords of manors at a minimum cost. And a proposal was made, but not embodied in law, to give a bounty to the new owners to enable them to cultivate the land. The outcome of it all was that in the three years, 1798–9 and 1800, there were 180 new Inclosure Acts, inclosing 369,740 acres, making a total of 1,956 Acts, inclosing 3,511,814 acres from 1702 to the end of 1800. From that date to 1845 no fewer than 2,060 new Inclosure Acts were passed, inclosing 2,801,612 acres; making a total of 4,016 Acts, inclosing an aggregate of 6,323,426 acres up to 1845, when the process of inclosure was arrested to some extent near to the metropolis and other large towns. This was the wiseacre policy of the State, at the instance of the land-owning interests, to stave off famine or food scarcity.<sup>1</sup>

II. *Cost and Scarcity of Provisions.*—The question of feeding the people, and averting threatened famine, was complicated by the alleged failure of crops in two

<sup>1</sup> I exonerate Sir John Sinclair from bad intention, but his policy was bad.

seasons successively ; but the public journals generally denied that the lessened production justified the high prices of wheat and other grain. The legislature thought the same, apparently, for the export of such produce was prohibited. The price of corn in the second week in March, 1801, ranged from 184s. to 187s. per quarter in two counties, to 168s. per quarter in Middlesex. In the other counties the prices ranged from 125s., the lowest, to 180s. per quarter. The difficulties and cost of transit would account for some variations in price. Efforts were made to prevent "cornering," by "forestalling" and "regrating," so as to arrest artificial prices ; but those efforts were of little avail. In order to avert starvation an Act was passed in 1800 to enable flour merchants and bakers to mix barley and oatmeal with flour. But on February 5, 1801, a Bill was brought in by Mr. Yorke to repeal such Act, because of its being "grossly abused, and had not answered its object." On that day the Bill was read a first and second time, and on the day following it passed through Committee, was read a third time, and passed. Parliament thus resented the rascality of purveyors of adulterated food, if it failed to propose an adequate remedy. Parliament also sanctioned proposals and provisions for the limitation of the use of bread by the wealthier classes, and the King adopted measures for that purpose in the Royal household. All this was well meant enough, but the Court and the rich had plenty of all-sufficient substitutes—for "man does not live by bread alone." The action, however, indicates how near the country was to a disastrous famine.

12. *Assize of Bread and Evasion.*—The high price of provisions continued such that a Select Committee was appointed to inquire into the subject and report. Mr. Ryder brought up the Committee's Report on February 12, 1801. The quartern loaf in London, as declared by the "whole assize," was fixed by the Lord Mayor at 1s. 3d. ; at the next assize at 1s. 5½d., then to 1s. 6d., and bakers were not allowed to expose for sale any bread until it "had been baked twenty-four hours at least." But the

price went up, until at one period it reached 1s. 11½d. the 4-lb. loaf. Rice and other substitutes were extensively used to stave off famine. And then comes this notable paragraph in the public journals: "The further rise of bread cannot fail to excite the most serious attention, more especially, if true (and it seems to have been true), that upwards of twenty ships laden with corn have remained in the river [Thames] more than a fortnight, for want of warehouse room to receive their cargoes." The people starving, and warehouses so overful that there was no room for more grain! Horrible! So dear was corn and other grain that horses, cattle, and pigs were denied the use thereof, or the quantity was stinted to the smallest proportions. Hay also was dear, so that not only man but beast had to be content with limited rations. The artificers and others employed at Portsmouth Dockyard decided by resolution to abstain from the use of butter, cream, milk, and potatoes until the prices had been reduced to certain stated rates; one of the men, who had purchased the prohibited articles above the stipulated price, was "*horsed*" by his comrades, and was carried about with indignity and then expelled from their "fraternity."

13. *Conduct of Corn Merchants, &c.*—The exasperation against "regrators and forestallers" was such that public meetings were held to denounce them, some being prosecuted. Warrants were "issued for the apprehension of twelve regrators and forestallers at Sheffield," but it was found that the ancient laws of the Saxons, and of later periods, were repealed in 1772 by the 12 Geo. III. "It was the last Act but one, passed in a very thin House, by the same Parliament that entered into the American War." The tone of the Press against what the Saxons called "ingrossing and forestalling" was most severe. In one instance, where a jury had returned a verdict of guilty, the judge said "that they had conferred a benefit upon their country greater than any jury had ever done before." In commenting thereon one journal said: "A greater crime never yet existed, nor is there any to be compared

with it, in the extent of its mischievous operation." The prosecution and conviction of some offenders caused a panic for a time, but the practice continued. It was proven in evidence that corn, in some cases, had been sold six times over, in one and the same market, to be resold possibly as many more times, ere it reached the consumer as bread. The inhabitants of Newbury, Berkshire, resolved to discontinue the use of butter until the price was reduced to 1s. per lb. Other towns protested against the high price of provisions in various parts of the kingdom. It was not so much actual scarcity that was complained of; it was artificial scarcity, by keeping back corn and other provisions, and thereby enhancing the price. The people starved while speculators grew rich. It was denounced as a base conspiracy against the community by the Press.

14. *Hunger and Bread Riots.*—Privation to the verge of, if not to actual, starvation led to bread riots in London and in the provinces. At Dartford, in Kent, "a Quaker, who was a large miller, was hanged in effigy by the mob." In the Blackfriars Road a corn dealer who had been convicted of "regrating" had his furniture destroyed and his house damaged; but the mob gave free passage to the wife and children to escape unhurt. Riots occurred in Mark Lane, in the Borough, and elsewhere. The rioters were dispersed by the military; hunger was opposed, but not appeased, by cold steel. It is a sad, sad story—the records of hunger and bread riots—at the close of the eighteenth and the dawn of the nineteenth century.

15. *The Corn Laws.*—It is even sadder still to remember that the evils continued, more or less, up to 1846 by the operation of the Corn Laws. Prices were kept up artificially in periods of plenty by bounties; in seasons of alleged scarcity because of the partial scarcity; and then, also, by withholding the produce corn growers, landlords, merchants, millers, and others maintained their profits, though the people were unfed or underfed. Hunger, discontent, rioting, and evils connected therewith con-

tinued in each of the four first decades of the nineteenth century, and until the Corn Laws were repealed in 1846. Suffering dulled the edge of sorrow, and men, grown desperate, faced death by rifle and bayonet as an escape from the miseries of a poverty-stricken life. The evil-doers had the protection of law and the forces of the Crown ; the sufferers had no remedy, except resistance ; and then—the workhouse, the prison, or death in the streets. The record is a sad one. The above is no exaggeration ; indeed, it is hardly possible to exaggerate in this case, as those well acquainted with our history at that period know.

## CHAPTER II

### ECONOMIC CONDITIONS—WORK, WAGES, HOURS OF LABOUR, &c.

IT is extremely difficult to ascertain the exact rates of wages prevailing in various industries at the commencement of the nineteenth century. The rates quoted in some of the earlier works—from 1800 to, say, 1830—are often fallacious, as they were the rates chargeable by employers to customers for day-work, or by the week, but afford no clue to the actual wages paid to the workman. In general terms the position was this: Work was scarce, wages were low, the hours of labour were long, and the conditions of employment were altogether unsatisfactory from the worker's point of view. Work was scarce by reason of continental wars and rumours of wars, except in so far as the Government gave employment to those engaged in the supply of war material, transport services, and the like. Even in the agricultural districts work was uncertain and irregular, except for hired farm servants engaged at the annual hiring fairs. In the textile trades women and children were employed greatly in excess of the men, while in other trades there were fluctuations and depressions, due to the disturbed state of the country. The development of the engineering industries was hampered by the prohibition of exports of machinery, as were other products. The wonder is that British industry was not strangled altogether, for the iron hand of the law was at its throat,

and the lawmakers declared that the law's grip was necessary to prevent extinction by some other unknown means.

1. *Rates of Wages.*—As before stated, it is difficult to ascertain the exact rates of wages in the various industries of the kingdom a hundred years ago. Generally speaking, the rates of wages of mechanics and artisans ranged from 18s. to 20s., or 24s. to 25s. per week, according to the locality. There was no such thing as a "recognised trade union rate," except that combinations tried, where possible, to fix a minimum in the towns where a secret union dared to exist. The wages of hired day-labourers varied from 9s. or 10s. per week to 12s., 14s., or 15s. in very exceptional cases, but the average would not exceed, at the best, 10s. or 12s. per week. In the agricultural districts the wages of male farm servants varied from 6s. or 7s. per week to as high as 9s. per week, but the latter rate was quite exceptional. The real value of those rates of wages, with bread and other provisions at the then preposterously high prices, can be easily conceived. It took fifty years to raise those rates at the maximum to 30s. per week for mechanics and artisans, to 15s. to 18s. per week for labourers, and to 8s. or 10s. per week for agricultural labourers, and then only in the more prosperous districts. In the thirties, forties, fifties, and even in the early sixties, the bitter cry of "starvation wages" was often heard among the workpeople, as any one conversant with British journalism will know. During the first half of the nineteenth century especially official Reports to Parliament on the condition of the people indicate privation and want, while the reports and speeches at Chartist conventions and meetings show existing distress to have been such that revolt was advocated, and even revolution was more or less publicly threatened as a means or escape from dire poverty.

2. *Advance in Wages Movements.*—In the struggle for increased wages the artisans and mechanics of London were always in the forefront of the battle. Manchester, as a general rule, came next. In the metropolis it was an understood thing that wages should be higher than in

provincial towns ; in this employers acquiesced, if they did not wholly agree with it, as an economic principle. The reasons for higher wages were higher rents, dearer provisions, and probably the long distances which men had often to walk to their work. The building trades were often pioneers in wages movements, the operatives in those trades having secured the rate of 30s. per week demanded in the early fifties, sought to raise it to 33s. per week, and, after many disputes, succeeded in establishing that rate. It took years of struggle to enforce that rate generally in all London firms and for all branches, for employers always pleaded that discrimination was necessary, the idea being that 33s. should be the maximum rate for the best-skilled workmen, they being the sole judges of what a man was worth. Manchester and Liverpool were engaged in a similar movement, and then it spread to other towns, not for the same rate, but only for a proportionate increase upon the rates which were being paid. Labourers engaged with artisans and mechanics fought for, and obtained, advances to 3s. per day, or 18s. per week, then to 3s. 6d. per day, or 21s. per week. In other trades there were similar movements, not always simultaneously, for advances in wages, and, on the whole, with success. The progress was slow ; sometimes it was checked, but eventually the rates of wages gradually went up in almost all trades in the country.

3. *Hours of Labour*.—The hours of labour have never been uniform in all trades. They have varied with the nature of the industry. Formerly the variation was very great ; latterly there has been a tendency in the direction of uniformity in certain groups of trades. During nearly the whole of the first half of the nineteenth century the working hours were sixty per week—a ten-hour day in the building, engineering, and many other trades, the workmen in which were described as artisans or mechanics. In other industries the hours were from twelve to fourteen hours per day, that is seventy-two or eighty-four hours per week respectively. Often the hours were longer. In



some industries they were frequently extended, as payment for overtime was not recognised generally or seldom made. If necessity required it the workers must continue at work—it was regarded as “all in the week.” Excessive working hours were general in almost all industries. The ten-hours’ day meant ten hours at work, often ten and a half. The men had to be in their places at six o’clock in the morning, leaving off at six in the evening. There was half an hour for breakfast, an hour for dinner, and in some trades, though not universally, “a watering half-hour” for tea. The first step taken was to give up the tea half-hour, and leave work at 5.30 p.m., but even this was resisted, although it did not curtail the ten-hour day. The reason was that many firms did not grant the tea half-hour, but merely allowed a “potman” to go round with beer, when about five minutes were allowed, just “to straighten the back.” The next step was to leave work at four o’clock on Saturdays, thus reducing the week to fifty-eight and a half hours. But this was not obtained easily, as employers generally resisted it.

4. *Reduction of Working Hours.*—The building operatives of London took the lead in the movement for shorter hours on Saturdays, the first great strike for which occurred at the new Houses of Parliament during the erection of that famous pile of buildings. That contest being won, the path was smoothed for further successes. To some extent the public sympathised with the movement for shorter hours on Saturdays, to enable workmen’s wives to do their shopping at earlier hours. Gradually the discontinuance of work at four p.m. on Saturdays became general, though it was many years before the concession operated throughout the whole country. In 1859 the building operatives of London were again to the forefront, this time with the demand for a nine-hours’ day. It was resisted, a great strike and lock-out followed, lasting many months. At last a settlement was effected on the basis of payment by the hour, with the concession of two hours on Saturdays, leaving work at one o’clock instead of four, the workmen giving up the dinner hour,

12 noon till 1 p.m. Years afterwards the full Saturday half-holiday was conceded, the operatives leaving work at noon. The Ten Hours' Act, passed in 1847, practically fixed the working hours of factory operatives to sixty hours per week, although it was primarily intended for women and children only. In other trades and industries shorter hours have been gradually introduced, though not always to the same extent, or even proportionately. Sixty hours per week are now regarded as excessive in any industry, though even now some work to that extent, and some, alas! even longer.

5. *Conditions of Employment.*—Vast improvement in the conditions of employment has taken place as a result of trade union action and of popular sentiment. The legislature has done much in this direction, both as regards health and safety, in the Factory and Workshops Acts, the Mines Regulation Acts, and other specific Acts, as well as by the Public Health Acts. Little improvement was manifest during the first half of the nineteenth century, but some steps had been taken to pave the way, which helped to ensure the objects aimed at. Health and safety have to a large extent been secured, the responsibility being thrown upon the employer. In other respects also the legislature has stepped in, as, for example, in the matter of payment of wages. In the earlier years of the nineteenth century, up to and during the early sixties, wages were often withheld until late on Saturday nights; they were then frequently paid in public-houses, with the usual results. Men, in London especially, were accustomed to walk long distances—four, five, six, or more miles—to and from their work. There were no cheap trains, no trams or 'buses. They had to be in their places at six o'clock in the morning or lose time. In the Manchester district the men were able to arrange with employers for "walking time," in the event of long distances; in which cases the men had to be at a certain starting-point at six o'clock, the remainder of the distance being walked in the employer's time, with a stipulation as to mileage time. In numerous other ways the conditions

of employment have been improved and made more endurable, as compared with the earlier decades of the nineteenth century.

6. *Taxation—Imperial and Local.*—Though the fiscal policy of this country does not concern us here, in this connection, taxation, in so far as it affected the industrial and social condition of the masses of the people, does. In the then state of the nation, with grim poverty at the door, every penny paid in taxes reduced the purchasing power of wages, and was therefore doubly burthensome. The “paws” of customs and excise officials were upon everything—upon all necessities of life, as well as its luxuries. The humorous picture drawn by Sydney Smith in 1820 in the *Edinburgh Review* is so apt, witty, pithy, and true, that I quote it in preference to any description of my own. He says :—

“We can inform Jonathan what are the inevitable consequences or being too fond of glory : Taxes upon every article which enters into the mouth, or covers the back, or is placed under his foot ; taxes upon everything which it is pleasant to see, hear, feel, smell or taste ; taxes upon warmth, light, and locomotion ; taxes on everything on earth and the waters under the earth ; on everything that comes from abroad, or is grown at home ; taxes on the raw material—taxes on every fresh value that is added to it by the industry of man ; taxes on the sauce which pampers man’s appetite, and the drug that restores him to health ; on the ermine which decorates the judge and the rope which hangs the criminal ; on the poor man’s salt and the rich man’s spice ; on the brass nails of the coffin, and the ribands of the bride—at bed or board, couchant or levant, we must pay. The school boy whips his taxed top ; the beardless youth manages his taxed horse, with a taxed bridle, on a taxed road ; and the dying Englishman, pouring his medicine, which has paid 7 per cent., into a spoon that has paid 15 per cent., flings himself back upon his chintz bed, which has paid 22 per cent., and expires in the arms of an apothecary who has paid a licence of a hundred pounds for the privilege of putting him to death. His whole property is then immediately taxed from 2 to 10 per cent. Besides the probate, large fees are demanded for burying him in the chancel ; his virtues are handed down to posterity on taxed marble, and he is then gathered to his fathers—to be taxed no more.”

This was true at the dawn of the nineteenth century and up to 1820, when Sydney Smith wrote his article;

some of the duties imposed were absolutely prohibitive as to articles used by the poorer classes.

7. As regards local taxation little was done for the benefit of the community, local government itself being in its elementary, or degenerate, stage. The rate most complained of was the Poor's Rate, which, in the years 1800 and 1801, "amounted to not less than six millions sterling per annum. Yet even this sum, so exorbitant in itself, and wrung with so much difficulty from the hands of the people, is so far from being adequate to the demands of the dependent paupers, that many parishes are not able to relieve more than *one-tenth* part of the numbers who apply for relief and was in absolute want of it." And to the tenth part relieved, the guardians were not able to allow more than *one-fifth* of the necessary aid required. The writer adds: "Is there a human nerve that does not thrill with horror at a picture so fully substantiated?"<sup>1</sup>

8. *Dwellings of the Poor and Sanitation*.—We hear much about the "housing of the working classes" to-day; a century ago that note was never heard, except, perhaps, the cry may have arisen in the loathsome hovels where fever lurked, fed by hunger. Later on, when cholera swept away its thousands, in addition to the ravages of fever and small-pox, some bold, brave men raised their voices in protest. But it was not until the danger to the wealthier classes of those hotbeds of disease was made known that public attention was called to the subject. The inquiry set on foot by the Poor Law Commissioners resulted in the Sanitary Report on the Labouring Population of Great Britain, published in 1842; in that Report, in the Local Reports, also published, together with one on the condition of the working classes in Scotland, we can see what the condition of their dwellings was in 1842. The disclosures in those reports make one wonder that the people survived the diseases then so prevalent, especially as bad and insufficient food and foul water were the chief sustenants of the suffering poor. Sanitation there was

<sup>1</sup> See *Monthly Magazine*, No. 69, 1801.

none. Open drains and cesspools were but traps ; and one witness, the surveyor for Shoreditch, declared that the best way to deal with filth was to pour it into the open gutter in the street, in front of their own doors, for the sun to dry it, or be swept away by rain. The "great unwashed," as the people were described to be, had little chance of cleanliness ; water was scarce, soap was taxed, and dear. Common decency was well-nigh impossible in the overcrowded rooms inhabited by the poor. Health and morals were alike contaminated by foul air, in crowded rooms, where both sexes indiscriminately lived, fed, and slept.

9. *Initial steps towards Improvement.*—The descriptions given in this and the previous chapter apply generally to the whole of the first half of the nineteenth century. Steps had been taken in some directions, if only by inquiry, as in the case of public health. The first Sewers' Act in London was only passed in 1848. Something had also been done for factory workers and for miners, following the Inquiry, in 1840-42. In 1846, also, the Corn Laws were abolished—"free ports" giving to the people cheaper and better food. Nevertheless, the condition of the people was still deplorable throughout the fifties. The workers were only slowly emerging into light, and the faint glimmerings of that light fed their discontent. When they had clamoured for bread, they beheld plenty, but it was out of reach. Hunger inflamed men, and some more daring than the rest saw only one way out of the evil—rioting, with possible revolution. The State saw only one remedy—force, the suppression of discontent. Hence, at times, during the years up to 1850 more especially, lawlessness was common ; insurrection was openly advocated ; conflicts with the authorities took place, resulting in broken heads, if nothing worse. Then followed prosecutions, convictions, imprisonments, transportations. It was a period when heroes and martyrs in humble life arose to fight labour's battles, the only quality wanting in them was prudence. And yet, perhaps, prudence might have been cowardice in many instances.

Let us think kindly of those pioneers, for they won for this and succeeding generations the freedom now enjoyed and the many advantages that have made life more worth living than it was a hundred or even fifty years ago.

## CHAPTER III

### ENACTMENTS, SPECIAL AND GENERAL, ADVERSE TO LABOUR.—I.

THE term “adverse,” as used above, is an exceedingly mild one as regards many of the statutes included in the category ; it is chosen, however, so as to include the less mischievous as well as the vicious and needlessly cruel. The two preceding chapters briefly describe the adverse conditions affecting the people generally, all sections more or less, but more especially the poorer classes. Whatever was bad affected them most ; and the poorer they were, the more severely did they feel privation and want, and also the afflictions which resulted from the distress and misery they had to endure. The state of the nation as a whole was bad in the earlier decades of the nineteenth century ; all grades felt the far-reaching effects of heavy taxation and high prices ; but those effects were on a graduated scale, increasing in pressure and severity from apex to base, the latter sustaining the superincumbent weight, the crushing power of which became insupportable. We have now to consider the special grievances of the workers caused by legal enactments which prevented them from bettering their condition by associative effort and mutual help. The helplessness of the working population was intensified by isolation ; individual action was resented and punished ; combined action was unlawful and liable to criminal prosecution ; the persons so offending were on conviction imprisoned or transported. The

series of adverse enactments specifically affecting labour comprise the following arranged in groups.<sup>1</sup>

1. *The Combination Laws*.—Under this head a number of statutes had accumulated, some of which had scarcely been designed to operate in quite the same way, or to the same extent, as in the aggregate they did operate, at the dawn of the nineteenth century.<sup>2</sup> The term “combination” was used to cover all kinds of associations, which term had a bitter flavour on the palate of the governing and otherwise ruling classes. They forgot, or ignored, Burke’s famous distinction in the sentence: “When wicked men conspire, good men should combine.” There was everywhere a wicked conspiracy against labour, but labour was not allowed to protect itself by combination. In reality no right of association was recognised as lawful, except, in a narrow sense, friendly societies, legalised in 1793, simply as local sick clubs; for they also came within the Corresponding Societies’ Acts, if they had branches, or “corresponded” with each other. This disability was not removed until 1846, when friendly societies were exempted from the operation of these Acts. The fact that societies did exist, in spite of prohibition, only proves their necessity. Men dared the legal penalties; they became heroes and martyrs in defence of what was a natural and, in a broad sense, constitutional right, though filched from them by statute law, “for reasons of State,” or for political reasons, to serve the purposes of the Crown, the court, or the factions of the times, without regard to equity, common justice, or the welfare and advancement of the people. Liberty was regarded as a noxious weed, which might choke the seeds of obedience; therefore it

<sup>1</sup> Only sections relating to labour are summarised, but those relating to political action also applied.

<sup>2</sup> For an account of the old guilds, their constitution; methods and means; their distribution; statutes of Elizabeth, and legislation in the reigns of later monarchs; rise of the manufacturing system; attempts at combination, &c., see Dr. Brentano’s *Essay*, “English Gilds, 1870; and Howell’s “Conflicts of Capital and Labour,” 2nd ed., 1890.



must be uprooted and destroyed. Such, apparently, was the view of the then educated classes.

2. *Statutes in Force*.—The total number of enactments enumerated as being in force in 1824, and scheduled to be repealed in the 5 Geo. IV., c. 95, "Combinations of Workmen," was thirty-four, commencing with 33 Edw. I., St. II., indexed as "Conspiracy-Criminal Law," about 1304-5, and ending with 57 Geo. III., c. 122, in 1817, covering a period of about 512 years. It would occupy far too much space to summarise minutely the whole of those enactments in chronological order, nor is it necessary to do so; still a brief abstract is essential to a proper understanding and appreciation of the crushing disability of their provisions as regards labour. There is one peculiarity to be noted in the series of enactments under review, namely, their increasing severity and comprehensiveness. For example, the "Act to Prevent Unlawful Combinations of Workmen," dated July 12, 1799 (39 Geo. III., c. 81), was less severe than the one substituted for it in 1799-1800<sup>1</sup> (39 & 40 Geo. III., c. 106); and the provisions of the latter were further strengthened by the Act of 1801 (41 Geo. III., c. 38). The tendency in the nineteenth century, when the tide had turned in favour of labour, was the reverse. The contrast is the more striking, inasmuch as the Act last quoted was passed in the first Parliament of the United Kingdom in 1801. There would seem to be a period in legislative repression when the arm of the legislator grows tired, or his faculties recoil from the use of mere modes of punishment. There were cases indeed where juries refused to convict, because, on conviction, the penalties far exceeded what, in their opinion, the justice of the case demanded. This, however, was seldom the case in respect of offences under the Combination Laws.

<sup>1</sup> "One of the first Acts of the Imperial Parliament will be for the prevention of conspiracies among journeymen tradesmen to raise their wages. All benefit clubs and societies are to be immediately suppressed" (*The Times*, January 7, 1800).

### 3. *Synopsis of Provisions in Force, 1800-1824 :—*

(1) If any artificers, workmen, or labourers shall conspire, &c., that they will not work but at a certain rate or price, or shall not enterprise to finish that which another has begun, or shall do but a certain work in a day, or shall not work but at certain hours and times, each offender shall, on conviction by witness, confession, or otherwise, forfeit for the first offence £10 to H.M., if the same be paid within six days, and if not, shall be imprisoned twenty-one days, with bread and water for their sustenance ; and for a second offence shall forfeit £20 to H.M., or, in default of payment, as above, shall be pilloried ; and for the third offence shall forfeit £40, or, on default payment as above, shall lose one of his ears, and be deemed infamous, and not to be credited on oath in any matters of judgment. The "pillory" is omitted in the later Act, as that was abolished, in such cases, in 1816.<sup>1</sup>

(2) All contracts, covenants, and agreements soever, in writing or not, at any time heretofore (viz., July 29, 1800) entered into between any journeymen, manufacturers, or other persons within this kingdom, (G. B.), for obtaining an advance in wages, lessening or altering hours of labour, or decreasing the quantity of work, &c., . . . or for preventing any person from employing whomsoever he shall think proper to employ in his manufacture, or business, or for controlling or affecting any person carrying on the same in the management thereof, are declared illegal. In this section (39 & 40 Geo. III., c. 106, § 1) all contracts, covenants, and agreements already made are declared void, except any personal contract between a master and his journeyman.

(3) No journeyman, workman, or other person shall be concerned in making or entering into such contract, covenant, or agreement, in writing or not, as is hereinbefore declared illegal ; and any person on conviction of any such offence within three calendar months, on his own confession, or the oath or oaths of one or more credible witnesses, before any two justices of the county, city, or place where the offence was committed, shall, at their discretion, be committed to gaol for not more than three calendar months, or to some house of correction within the same jurisdiction, to be kept to hard labour for not exceeding two calendar months. Provision is made for administering oaths in all such cases.

(4) Every journeyman, workman, or other person who shall enter into any combination to obtain an advance of wages, or to lessen or alter the hours or duration of working, or to decrease the quantity of work, or for any other purpose contrary to this Act ; or who shall by giving money, or by persuasion, solicitation, or intimidation, or any other means, wilfully endeavour to prevent any unhired or unemployed journeyman, &c. (as above), or other person wanting employment in any manufacture, trade, or business, from hiring himself to any manufacturer, tradesman, or other person ; or who shall, for the purpose or

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<sup>1</sup> I feel obliged to preserve the redundant phraseology of the Acts, to show their real character.

obtaining an advance of wages, or for other purpose contrary to this Act, wilfully decoy, persuade, solicit, intimidate, influence, or prevail, or attempt to prevail on any journeyman, &c., or other person, to quit his work, or employment; or who shall hinder any manufacturer, &c., from employing such journeyman, &c., as he shall think proper; or who being hired or employed shall, without just cause, refuse to work with any other hired journeyman, or workman employed, and who shall be convicted of any of the said offences on his own confession, or the oath of one or more credible witnesses, before two justices, &c., within three calendar months after the offence committed, shall, by order of such justices, be committed to the common gaol for not exceeding three calendar months, or to the house of correction, to be kept for hard labour for not exceeding two calendar months.

(5) Every person soever who shall attend any meeting, held for the purpose of making any contract, covenant, or agreement, by this Act declared illegal, or of entering into, or carrying on any combination for any such illegal purpose; or who shall summon, or give notice to, persuade, solicit, or by intimidation or other means endeavour to induce any journeyman, workman, or other person employed, to attend any such meeting; or who shall ask or receive any sum of money from any such journeyman, &c., to enter into any such combination, or who shall pay any money, or enter into any subscription towards the support of any such illegal meeting or combination, shall, on conviction, suffer such punishment, as above.

(6) No person soever shall pay or give any sum of money as a contribution for paying expenses incurred by any person acting contrary to this Act, or by payment of money or other means of support, or contribute to support any journeyman, &c., in order to induce him to refuse work, or be employed, on penalty not exceeding £10 from such offender, and £5 from the journeyman, for collecting or receiving any money or valuable for any of the above purposes, one moiety to H.M., and the other, in equal shares, to the informer and the poor of the parish; and every such offence may be heard, and conviction made on the oath of one or more credible witnesses, by two justices for the county, city, or place where the offence was committed. If the penalty is not forthwith paid, they shall issue a warrant to levy the same by distress and sale of offender's goods, with costs thereof; and if no sufficient distress can be had, shall commit the offender as in the previous sections.

(7) Every person liable to be sued for contributing money for any of the above purposes shall be obliged to answer on oath to any information preferred against him, in any court of equity, by the Attorney-General on behalf of H.M., or, at relation of any informer, for discovering sums so paid, and shall not refuse to answer by reason of any penalty to which he may be liable by his discovery; and the court may make such decree therein as seems to them just.

(8) Provision made in respect of payment into court, and making full discovery of all funds and securities, and as to penalties, &c.

(9) Every offender against this Act may be compelled to give evidence, as a witness on behalf of H.M., the prosecutor, or informer,

on any information against any other person, not being such witness, and every person giving such evidence is indemnified.

(10) Provision made for issue of summons, and of warrant for apprehension, if offender fails to appear ; or warrant without previous summons, if informer believes that offender may abscond.

(11) Provision made for summoning witnesses, and issue of warrant if they refuse or neglect to attend. On refusal to give evidence, witness may be committed to gaol till he submits to give evidence.

(12) Provision as to form of conviction and of committal. Forms in each case given in the schedules of 41 Geo. III., c. 38, and previous Act.

(13) Provision as to endorsement and transmission of conviction by justices to quarter sessions, as a record, and in case of appeal.

(14) Provides that justices shall continue to use and execute all powers and authorities given them in any statutes in force, touching combinations of workmen, settlement of disputes, or as to wages, hours of working, quantity of work, and matters contained in this Act.

(15) Employers not authorised to employ any workman contrary to this, or any statute in force, without consent in writing of a justice of the peace ; provides also for refusal to work by such workman, or misconduct of same, and applies penalties given in other sections.

(16) No justice of the peace who is an employer in the particular trade or manufacture in which offence is committed to act in the case.

(17) All contracts, in writing or not, between masters and others for reducing wages, adding to or altering usual hours of working, or for increasing quantity of work declared void ; penalties on conviction stated, and also mode of recovery of same, &c.

(18) Provides for arbitration, in case of labour disputes, by mutual consent, and also by request of one of the parties, in writing, signed by such ; if by one party, then he may require the other party to name the other arbitrator. Power is given to summon witnesses, and to adjudicate, &c.

(19) Provision is made in case the arbitrators fail to agree and sign their award, within three days after the parties have agreed to submission and signed, for either party to require the arbitrators to go before a justice, who had power to determine the dispute ; to examine witnesses, and punish them on refusal to attend or give evidence. They may be apprehended on a warrant, and committed to the house of correction till they submit to be examined, &c.

(20) The parties concerned allowed to extend the time for making the award, in form directed, by endorsement, on the back of the submission, signed by the parties, in presence of a witness.

(21) The submission and award may be written on unstamped paper, to the effect set forth in the schedule.

(22) Two parts of the submission to be engrossed, one for each party.

(23) Where arbitration is demanded, submission signed, and arbitrator appointed by either party, and the other refuse to sign and appoint arbitrator within the time limited, the latter may, on conviction before two justices, be fined £10, one moiety to go to H.M., and one to the poor of the parish. There is the same power of commitment to gaol, &c., if the fine be not paid.

(24) Power is given to appeal to general or quarter sessions, if aggrieved at judgment of the justice or justices ; the party or parties to enter into recognisance, with two sureties, to pay costs, and abide judgment ; in default to be committed to gaol.

(25) All actions to be commenced within three months, in proper county, &c.

The above is but a condensed abstract of provisions in several Acts.

4. *Nature and Effects of Foregoing Provisions.*—The atrocious character of the provisions here summarised is such as to make one doubt whether such enactments were possible, and still more to wonder that they were in force during the first quarter of the nineteenth century. Contracts, covenants, and agreements between persons, freely entered into, are declared void, and the parties thereto rendered liable to penalty by fine or imprisonment. The provisions were also retrospective. Summonses and warrants were issued at the instance of one person, who might be, often was, a common informer, interested personally to the extent of one-fourth of the penalty. Cases were determined by two justices, both of whom being employers of labour, except that they must not be personally interested in the particular trade, &c., in which offence was committed. But they were of the employing class in whose interests the enactments were passed. The section relating to employers acting together to reduce wages, increase working hours or quantity of work was a fraud, its object being *to appear* to be fair to both parties. No cases of this kind seem to have arisen under this section. The imposition of a fine was not less a fraud, for workmen could not pay, and therefore imprisonment was their doom. Their fellows could not help them to pay, or they too would be guilty of a like offence. To read such enactments is enough to make one almost hate the term “law” in relation to labour. One of the most atrocious of the provisions is that the offender was put on oath and compelled to give evidence against himself or suffer the penalties on refusal. Alas ! alas ! that the legislature by enactment should thus have endeavoured to strangle labour.

## CHAPTER IV

### ENACTMENTS, SPECIAL AND GENERAL, ADVERSE TO LABOUR—II.

THE series of enactments comprised in this group were general in character, being mainly directed against political associations and movements, but they were capable of being used, and were used, as weapons against labour whenever workmen sought or attempted to better their condition by means of popular assembly, by association, or by the aid of the Press. The application of the provisions in the several statutes here included was even more serious than those in the Combination Laws, because the penalties and punishments were more cruelly severe, and the prosecutions were frequently, if not usually, by order of the Government, in which the common informer always played a conspicuous part.

II. *Conspiracy, Seditious Assemblies, Sedition, &c.*—Only those in force at the beginning of the nineteenth century, and which were still in force for the next twenty-five years, are here included. Eight statutes—11 Hen. VII., c. 3 ; 3 and 4 Edw. VI., c. 5 ; 1 Mary, Session I. ; 1 Eliz., c. 16 ; 23 Eliz., c. 2 ; 16 Chas. II., c. 4 ; 36 Geo. III., c. 8 ; and 41 Geo. III., c. 31—had already been repealed or had expired, other statutes being substituted in their stead.

1. *Enactments in Force 1800–1825.*—The “Act for the more Effectual Suppression of Societies Established for Seditious and Treasonable Purposes, and for Better Preventing Treasonable Practices”—39 Geo. III., c. 79, commonly called Mr. Pitt’s Act—was amended by 57 Geo. III., c. 19 ; by 60 Geo. III., c. 6 ; and, as

to recovery of penalties, by 39 Geo. III., c. 79; and, Power of Justices, by 51 Geo. III., c. 65.

2. *Corresponding Societies Act*.—The principal Act, 39 Geo. III., c. 79, is generally cited as the “Corresponding Societies Act,” 1799; it was originally intended as a means of suppressing certain societies then existing, especially “all the societies of United Englishmen, United Scotchmen, United Irishmen, the London,” to which were added “and all other corresponding societies are suppressed and prohibited as being unlawful combinations against H.M. Government and peace of his subjects.” There was an outburst of feeling against the Bill when it was first proposed by Mr. Pitt in 1795, which was founded upon two proclamations with respect to recent outrages and meetings held in and near London. Mr. Fox and others opposed the Bill vigorously. A great meeting was held in Palace Yard with Mr. Fox in the chair, when the measure was denounced by the chairman “as a daring attempt upon your liberties—an attempt to subvert the Constitution of England.” In spite of all opposition the Bill was carried. Commenting upon it, Sir Thomas Erskine May says: “The series of repressive measures was now complete. We cannot survey them without sadness. . . . The popular Constitution of England was suspended.”<sup>1</sup> The excesses at that period no one justifies; but they were mostly the result of attempts to gag the Press, to silence opposition, and to prevent public assemblies; and Mr. Fox declared that it was better to repeal such Acts and give to the people full liberty to discuss grievances in public as we now do.

3. *Illegal Societies, &c., Described*.—The provisions for the suppression and prohibition of all other societies soever declared that—

(1) The members whereof who shall, according to the rules thereon, be required to take any unlawful oath within provisions of 37 Geo. III.,

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<sup>1</sup> “Constitutional History of England” (fourth edition, vol. ii., page 330).

c. 123, or any oath not required by law; and every society the members whereof, or any of them, shall take or bind themselves to any such oath on becoming, or in consequence of being members thereof; and every society the members of which shall take, subscribe, or assent to any test or declaration not required by law or authorised as hereinafter mentioned . . . and every society, composed of different branches, acting distinctly from each other, or of which any part shall have any separate president, &c., or other officer elected for it, shall be deemed illegal societies, and every member thereof, or person corresponding with any such society, branch, committee, president, &c., or other officer or member thereof, as such, shall be guilty of an unlawful combination and confederacy. In this section the net is spread so wide as to include every kind of association except the following :—

(2) *Exemptions.*—This section shall not extend to any meeting or society of Quakers or to any meeting, &c., formed for religious or charitable purposes only, and where no other matter is discussed. But it did apply to Friendly Societies, as sanctioned by law in 1793, up to 1846.

(3) Provision is made to exempt societies and members thereof if the objects, rules, declarations, &c., are sanctioned by two justices, to be valid until the next general sessions, and then only if sanctioned by a majority of the justices then present. If not confirmed, then the provisions of the statute to apply thereafter.

(4) No former member of any such society shall be liable to the penalties hereof unless he act as such after this Act passed.

(5) Freemasons' lodges are expressly exempted from the provisions of the Act if they act in conformity with the rules of the societies.

(6) This exemption not to apply to any such society unless two members certify on oath that such society, &c., has, before this Act was passed, been conducted as a society or lodge of Freemasons in conformity with its rules.

(7) Provisions as to registration of such certificate and enrolment of same among the records of the county, &c. On complaint, by any one person, on oath, the justices have power to revoke certificate and dissolve meeting and punish members under the Act.

(8) Every person guilty of any unlawful combination herein dissolved may be proceeded against before one or more justices, or by indictment, &c., and every person convicted thereof on the oath of one witness (and he might be a common informer) shall be committed to gaol for three months or fined £20; if proceeded against by indictment, may be transported for seven years or imprisoned for two years, as the court may see fit.

(9) Gives power to justice or justices to mitigate the punishment or penalty to one-third the maximum as above.

(10) If prosecuted in summary way before justices, and then convicted or acquitted, the person not to be again proceeded against for the same offence.



(11) Provides that prosecution under any other Act is not cancelled by the passing of this Act.

(12) Nothing herein provided shall discharge any person in custody at the passing of this Act or person held on bail or recognisance.

(13) *Seditious Meetings*.—Any person who shall knowingly permit any meeting of any society hereby declared to be an unlawful confederacy, or any branch or committee thereof, to be held in his house, shall for first offence forfeit £5, and for any other such offence be deemed guilty of unlawful confederacy, &c.

(14) Any two or more justices on evidence on oath that any meeting or society hereby declared an unlawful confederacy, or for any seditious purpose, hath been held at any licensed house, may declare licence forfeited, the keepers liable to all penalties incurred.

(15) Every house, room, field, or other place in which any person shall publicly read, or in which any lecture or discourse shall be publicly delivered, or any debate had on any subject, for the purpose of raising money, &c., or person admitted by payment, or agreement to pay, for refreshment or otherwise; and every house, &c., or place opened or used as a meeting-place for the reading of books, pamphlets, newspapers, or other publications, and to which any person is admitted by payment or by ticket, &c., shall be deemed a disorderly house, unless previously licensed as such. The person by whom such house, &c., shall be opened or used shall forfeit £100 to person suing for the same, and be otherwise punished as the law directs in such cases. Any person presiding or conducting such meeting, publicly reading, delivering lecture, debating, or furnishing book; and any person paying or receiving money, &c., shall forfeit £20, and be liable to other penalties mentioned in the Act.

(16) Every person hereafter acting as master or mistress or manager of such house or place shall be deemed the opener, and liable, &c.

(17) Any justice or justices who shall, by information on oath, have reason to suspect any house or part thereof is so used, may demand admittance, and on refusal such house shall be deemed a disorderly house, &c., within both Acts, the person refusing to forfeit £20.

(18) *Licensed Houses*.—Provides for licensing house, room, or other building for the express purposes mentioned in the licence, for a period not exceeding one year.

(19) Any justice, &c., may demand admission; penalties on refusal.

(20) Any such licensed house in which seditious or immoral lectures are delivered, or where publications of that character are kept, may be closed.

(21) Other licensed houses may allow readings or lectures, but if such are seditious or immoral the licence may be forfeited.

(22) The Universities, Gresham College, &c., are exempted.

(23) *Petitioning Parliament, &c.*—It is not lawful for any person to convene or call together, &c., any meeting of more than fifty persons in Westminster or Middlesex, or within one mile of Westminster Hall, except in parish of St. Paul, Covent Garden, and except

parish meetings of St. John's and Margaret's, for the purpose of petitioning Parliament or H.M. for alteration of matters in Church and State, and any assembly for such purposes shall be deemed an unlawful assembly, except called for electing members of Parliament.

(24) All societies and clubs called Spenceans, &c., and all other societies and clubs holding, or professing to hold, their doctrines, &c., shall be utterly suppressed as unlawful combinations and confederacies against the King and Government, and peace and security of his subjects.

4. *Seditious Meetings, Societies, &c.*—The Act of 1817 (57 Geo. III., c. 19) dealt with seditious meetings, societies, riot, &c. It mainly repeated the provisions in previous Acts, the object being to make the enactments more stringent in cases where they were supposed to be weak. For example—

(1) As to oaths, not words only, but “signs” of assent, were construed as an offence. Again, “indirectly” communicating with one another constituted an offence, if directly doing so could not be proved, as regards corresponding societies, evidence as to which might be given by a common informer. In fact the object appears to have been to constitute constructive treason or sedition by look or sign, and to render the accused liable to criminal prosecution, with all the penalties attaching thereto.

(2) Freemasons are again exempted. Provisions as to holding meetings, meeting-places, and persons attending are repeated, and the penalties are restated. Also as to licensed houses at which meetings are held, or alleged to have been held, the occupier being held responsible, as well as those present at such gatherings.

(3) Provides for the recovery of penalties by warrant, distress, and sale, and in default imprisonment. Any action against justices or officers, &c., for act done to be within three months; same in Scotland. Forms as to matters set forth in the schedule.

(4) Nothing in Act to supersede other enactments for punishing offences described herein. Prosecution may be under any Act. Provision as stay of action by Government. Provision as to damage caused by riot, &c.

(5) The Act did not extend to Ireland. Generally the provisions of this Act of 1817 were on the lines of that of 1799.

5. *A Further Act.*—The Act of 1819–20 (60 Geo. III., c. 6) for more effectually preventing seditious meetings and assemblies, proceeds on the same or similar lines as in previous Acts. A repetition of the provisions is not

necessary, except where the language and intent differ, as follows :—

(1) “No meeting of any description of persons exceeding fifty shall be held for the purpose or on pretext of deliberating on any public grievance, or on any matter of trade, manufacture, business, or profession ; or on any matter of Church and State ; or of considering or agreeing to any petition, complaint, declaration, resolution, or address on the subject thereof,” except and unless notice thereof be delivered personally to a justice, signed by seven householders, &c.

(2) The justice may alter time and place of such meeting. No meeting so held to be adjourned to other time or to another place ; if so held, to be an unlawful assembly, liable to penalties. Provision as to persons who may attend any meeting not exceeding fifty persons. Any other person attending liable to fine and imprisonment, not exceeding twelve months, at discretion of the court. Justices, &c., may disperse or otherwise deal with such unauthorised meeting. Provision as to proclamation : persons not dispersing within quarter of an hour guilty of felony, may be transported for a term not exceeding seven years. Form of proclamation given, and mode of making it. Persons not dispersing may be arrested by any person present. Penalty as before.

(3) Provisions as to arrest, obstruction, use of arms, &c. : if any person be killed or hurt in refusing to depart, or resisting arrest, &c., all justices and others and those assisting to be indemnified. Those sections not to apply to meetings held in rooms, nor to meetings lawfully convened.

(4) Provision made that no person shall attend any meeting whatever armed with any weapon of an offensive character, on pain of fine and imprisonment, not exceeding two years’ Proviso—this section not to apply to justices, sheriffs, officers, &c.

(5) No person to proceed to, be present at, or return from any meeting holden for any purpose or pretext specified, with flag, banner, ensign, device, badge, or emblem, or with music, or in military array or order, on pain of fine and imprisonment, as above.

(6) Provision as to sheriffs, magistrates, judges, peace officers, &c., in Scotland. Also as to boundaries of parishes and townships, and jurisdiction of justices and others, in certain cases.

(7) Provision as to prosecutions under other Acts, if need be ; but not if offender has been prosecuted under this Act.

(8) Provision as to recovery of fines, &c., in England, Scotland, and Ireland, by distress, sale, and in default imprisonment. One moiety of all fines to be paid to informer, the other to H.M. Form of conviction given.

(9) Provision as to actions brought against justices, &c., in England, Scotland, and Ireland ; to be within six months. Every protection to be given to such justices and others as to pleas, time, venue, &c., and as to costs, in the event of the decision being favourable to the

justices by the prisoner or other as the case may be. No person to be prosecuted for any offence under the Act, except within six months of the matter for which prosecuted.

(10) Gives date of commencement of the Act and its duration.

6. *The Two Series of Acts Compared.*—The series of enactments in Chapter II., under the head of Combination Laws, were specific as regards labour, all associations of workmen for the purposes of mutual help being prohibited. The series of enactments in Chapter III. were general in character and application, being aimed mostly at all political organisation, meetings, assemblies, readings, &c. But one section (see par. 32) is specific as to “trade, manufacture, business, or profession,” as though even the Combination Laws were insufficient to suppress “deliberating on any public grievance, or any other matter.” By those two groups of enactments every constitutional right was abrogated as regards public meeting, the discussion of grievances, mutual association, and mutual aid. The “common informer” was practically a paid tool of the Government, for he shared the fines imposed, this being an incentive to his activity. The justices—“the Great Unpaid”—belonged to the employing class, and, for the most part, they readily lent themselves to the purposes of suppression, as intended by the court and the Government, armed with such Acts. Offenders against these laws were mostly of the poorer class, the sufferers who, driven to desperation, risked liberty and life, the alternative being privation, if not actual starvation. If secret societies were instituted they were but the creations of repressive laws. If outrage and riot occurred they were but the natural outcome of stolen liberties and resistance to wrong. All those enactments continued in force during the first quarter of the nineteenth century, many to within the memory of men now living. I have retained the peculiar language of the enactments in preference to any of my own; it is too expressive to be altered to modern legal phraseology.

## CHAPTER V

### ENACTMENTS, SPECIAL AND GENERAL, ADVERSE TO LABOUR.—III.

THE series of enactments in the two previous groups (Chaps. III. and IV.) pertain mainly to labour in the concrete form—that is, in association, or combination, as expressed in law. The series now to be considered pertained more especially to the individual—that is, to the workman or labourer. Liberty to combine was prohibited, and all infractions of the law were subject to severe penalties. In addition to which personal liberty was regulated and controlled by law, as regards wages, hours of labour, and conditions of employment, by a variety of enactments dating from the Statute of Labourers (23 Edw. III, 1349), covering a period of over five centuries. Apprentices, labourers, artificers, handicraftsmen of all kinds then known to the law were subject to statutory regulation, the administrators of which were justices, all of whom were more or less personally interested in keeping a tight hand upon workers of every class, lest they might misuse their freedom, should any be conceded to them. The regulations in some industries were so minute that the wonder is that the latter survived. Not only were workmen denied the right of associating together to obtain better wages, but they were forbidden to accept higher wages if offered ; and employers were prohibited from giving an increase, under pains and penalties. Justices were empowered to fix rates of wages ; if they neglected so to do the workmen were not allowed

to fix rates for themselves different from the rates then current in the industry.

III. *Master and Servant Acts*.—1. The number of enactments in this series, as enumerated in the first two schedules of the Amending Act of 1867, was twenty-one, the date of the first being 1720-1 and of the last 1865. In Burn's "Justice of the Peace," 26th edition, 1831, the enactments quoted are much more numerous, the whole being arranged under thirty-two heads. It would be far too tedious, and would serve no useful purpose, to quote the titles of all the Acts, or to mention separately all the various trades and occupations to which they applied. Suffice it to say that tailors, shoemakers, leather workers, textile operatives, ironworkers, and operatives in numerous other industries are specifically named in the Acts, the net result being that they covered all workers, artificers, labourers, servants, and all other workpeople in all the industries of the time. The earlier enactments were specific to particular trades; in course of time they became general, as in 4 Geo. IV., c. 34, in 1823, in which the provisions apply to apprentices, artificers, servants, and others, all being included in a sweeping generalisation. It is essential to remember that the enactments herein referred to were in addition to, not in substitution for, all the other groups of Acts previously and otherwise dealt with. It should also be remembered that all the enactments were in force in 1831, and many subsequently; that twenty-one of them were in force in 1867, when the application of existing provisions were to some extent modified; and that most of these were still in force up to the year 1875, when the labour laws were carried; then only were they finally swept away by repeal.

#### 2. *Synopsis of Provisions*.:—

(1) By the common law, irrespective of any Act of Parliament, breaches of contract or default of duty on the part of workman or servants towards their employers or masters, or *vice versa*, are the subject of a civil action by which damages are awarded. This remedy still exists.

(2) But from an early period a remedy of another kind, so far as related to breaches of contract or duty by servants and workmen, was created by Act of Parliament. This was extended from time to time, until it affected all kinds of workers, artificers, labourers, servants, &c. Statutory law gave a summary remedy to employers and masters by which they could arrest and take the offending person before a justice of the peace; a remedy was also given to certain classes of servants and others for the recovery of wages, but no right of arrest for breach of contract.

(3) Servants and others might be summoned by their masters or employers for absenting themselves from service, or other misconduct in respect of service, or a warrant might be issued in the first instance on information on oath, at the discretion of the justice; or, in the case of not entering into service, in the terms of a written contract, the offender might be summoned or be arrested on warrant, at discretion.

(4) If the offence were proved, the justice might adopt any one of three courses: (1) The offender might be committed to the house of correction, for any term not exceeding three months, the wages, if any, being abated, that is, not accruing during the term of imprisonment; or (2) the whole or any part of the wages due might be abated; or (3) the justice might dissolve the contract, that is, put an end to the service.

(5) There were numerous provisions in several Acts relating to workmen in various trades and employments, as to wages, hours of labour, conditions of employment, and the like, all of which handed over to the justices the power of regulating the several trades mentioned.

(6) As regards apprentices, they could summon their masters for ill-treatment, or ill-usage, and upon such summons the apprentice could be discharged; or for wages due, not exceeding £10, payment of which might be enforced by distress. But masters could proceed by summons or warrant for absence from work or other misconduct, the punishment for which was abatement of wages or imprisonment.

(7) In any case—of servant, workman, or apprentice—the justice had power to issue warrant for arrest, instead of a summons, upon a statement of the facts on oath by the master or employer.

(8) Singularly enough, one of the later Acts, 4 Geo. IV., c. 34, passed in 1823, gave no option to the justices, this being the Act in general operation up to 1847. The master or employer was served with a summons at the instance of the complainant, whereas the workman or servant was arrested by warrant on the complaint of the master or employer on oath. This was only altered in 1847, by Jervis's Act, 11 & 12 Vict., c. 43, which gave justices power to issue, in the first instance, a summons in all cases. The practice thereafter became general, warrants being only resorted to in case of defendant absconding.

3. *Breach of Contract by Workmen Criminal.*—(9) A breach of contract by a servant or workman was a criminal offence; the procedure was by criminal process; the punishment was imprisonment; whereas a breach of contract by a master or employer was a civil offence, procedure by civil action, the justices having no power of imprisonment, unless in case of default of distress or non-payment of amount and costs. Some of the sapient legislators of the period of the four Georges, and some lawyers in more recent times, thought that after all there was no inequality as applied to workmen; and pleas were urged to the effect that servants and workmen had summary remedy for wages unpaid and withheld, and that masters and employers could be made to pay, because they had the means. But those pleas do not cover the indictment—the one class had the option of payment of damages, the other had not. The one class could be arrested on warrant, the other could not. Again, the judgment of the justice or court was by way of “order” in the case of a master, whereas it was a “conviction” in the case of a servant or workman. Moreover, in any complaint against a servant or workman for the neglect of work, &c., the master or employer could give evidence, whereas the servant or workman was not a competent witness on his own behalf. A defendant was a competent witness in proceedings for an “order,” but not in proceedings for a “conviction.”

(10) Power was given to one justice to deal with most cases of master and servant, &c., many of which could be, and were, dealt with by a justice of the peace in a private manner, in his own house, without any publicity. This could even be done, and was done, notwithstanding Jervis's Act, in 1847, after that Act was passed.

(11) Before the Act of 1867 (30 & 31 Vict., c. 141) justices had no power to deal with cases of complaint by masters against servants by the infliction of a fine. The three modes of dealing with all such cases were: direct imprisonment, or abatement of wages, or discharge from the contract of service. The latter mode was seldom adopted; it was not regarded as a punishment. In Ireland fines or damages, leviable by distress, were permissible.

(12) Cases of wilful damage were punishable summarily, by compensation if the value was under £5, and a fine, not exceeding 40s.,



or by imprisonment not exceeding one month. The procedure in any of these cases might be by summons or warrant, and the case might be heard by one or more justices in or out of petty sessions.

(13) In Scotland the jurisdiction was practically the same as in England, though the legal process was somewhat different. The proceedings might be by citation (summons) or warrant or apprehension, in the first instance. The latter was more generally exercised up to 1864, as Jervis's Act did not apply. Under the Summary Procedure Act, 1864, for Scotland (27 & 28 Vict., c. 53) the option was given of summons or warrant. But even after that the general rule was to issue a warrant for the arrest of the offender, with interim detention till the case was tried.

#### IV. *Miscellaneous Enactments in Force* :—4.

(1) Every person between the age of twelve and of sixty years, not being lawfully retained nor an apprentice, shall be compelled to serve in husbandry by the year by any person requiring such person. The exceptions are mentioned of certain persons retained in mining by the year or half-year, makers of glass, scholars, gentlemen, and owners of real property (5 Eliz., c. 4, §§ 7 & 28).

(2) Women and girls between the age of twelve and forty years compellable to serve, if unmarried and not otherwise retained, for the year, week, or day, at such wages as two justices, or other authority named, shall think meet; on refusal to be committed to ward (§ 24).

(3) The term of service, if not otherwise expressed, shall be construed to be for one year; so of clerks and servants in general.

(4) Refusal to obey orders to justify master in dismissal of servant before end of year, and to withhold wages then due.

(5) If a servant marry, she must serve out her time.

(6) Power by justices to fix rates of wages for artificers, labourers, and craftsmen abolished by 53 Geo. III., c. 40 (1812-13).

(7) Hours of labour fixed for all artificers and labourers from five o'clock in the morning till between seven and eight at night between March and September; meal times, &c., not to exceed two and a half hours, and from dawn till dark in the other months. Leaving work before completion—penalty imprisonment for one month, without bail or mainprise, and forfeit of £5 (5 Eliz., c. 4, §§ 12 & 13).

(8) Artificers compellable to work in haytime and harvest; on refusal to suffer imprisonment in the stocks for two days and one night; the constable to have power so to imprison the offender.

(9) One-half of all forfeitures and penalties relating to hiring and of service to go to the Crown, the other half to the person suing, common informer or other. One justice may hear and determine case.

(10) None may depart from city, town, or parish, &c., after time

of service has expired without a testimonial under seal. Person departing without testimonial to be imprisoned until he can procure one; at the end of twenty-one days to be whipped as a vagabond. A master employing person without testimonial to be fined £5.

(11) Journeyman engaged in certain industries leaving work before completion to be imprisoned for one month, by order of one justice, on oath of one witness, who might be a common informer.

(12) Provision made (6 Geo., c. 25, § 4) for any justice of the peace to grant warrant, upon complaint by employer, for apprehension of workman not fulfilling contract, or guilty of other offence, and to convict such person, and imprison him for not more than three months, nor less than one month. The same was practically re-enacted by 4 Geo. IV., c. 34, but power to abate wages is given as an alternative.

(13) In the statutes cited, or referred to, and others many trades and occupations are enumerated, the term "labourer" was supposed to be limited to the industries named, and "other labourers" to mean only such as might be employed in those trades. Lord Ellenborough, C.J., decided that the statute did not confine its operation "to labourers enumerated in the several employments."

(14) The term "servant" in the statutes does not mean domestic servants—they are seldom included. The term generally is equivalent to "hired person."

V. *Conspiracy*.—5. (1) The definition of conspiracy is "when two or more combine together to execute some act for the purpose of injuring a third person or the public." By the common law "all confederacies whatsoever wrongfully to prejudice a third person or the public are highly criminal."

(2) By statute conspiracy is as follows: "Conspirators be they that do confeder or bind themselves by oath, covenant, or other alliance, that every of them shall aid and support other persons to obtain an advance of or fix the rate of wages, or lessen or alter the hours or duration of the time of working, or to decrease the quantity of work, or to regulate or control the mode of carrying on any manufacture, trade or business, or the management thereof," &c. (33 Edw. I., St. I.). "Annual congregations and confederacies of masons in their general chapters assembled" (3 Hen. VI., c. 1). Other enactments were "An Act for Servants' Wages," Ireland (33 Hen. VIII., St. I., c. 9); and various statutes from

the 2 and 3 Edw. VI., c. 15 to the 13 and 14 Car. II. c. 15, and thenceforward during the reigns of the Georges, and the institution of the Combination Laws.

(3) It has always been admitted that it is difficult to ascertain what conspiracy really is, for "to complete the offence no act need be done in consequence thereof." Mr. Talfourd, in commenting upon certain cases, once said that he considered it a hopeless task to lay down any fixed principles whereby this offence may be governed." And yet indictments for conspiracy were frequently resorted to in prosecution of workmen, not only down to 1825, but subsequently. It was used as a weapon of offence to increase the penalty, or to obtain a conviction if the provisions in statutes should fail.<sup>1</sup>

6. *General Effect of the Legislation Quoted.*—In the preceding summary of enactments adverse to labour references of a general character have, as a rule, been omitted, so as not to extend the synopsis more than was really necessary. In several of the enactments cited there were provisions obviously intended to make it appear that employers or "masters" were practically subject to the same law as workmen or servants. It was a show of fairness, nothing else. By the very nature of the offences named, and the mode of dealing with them, only workmen and servants could be prosecuted and punished; while arrest or apprehension of offender by warrant applied only to hired persons. The net of the fowler was skilfully spread. The beaters knew those intended to be trapped, and how to entrap them. The lawmakers were employers, the administrators of the laws were employers; the workers were but pawns in the game. It is not intended to accuse legislators and administrators of the law of wilful and intentional cruelty and injustice. The laws and administration thereof were incidents of the time. The criminal code was cruel. Liberty was hated and feared, because not understood.

<sup>1</sup> The authority for the preceding synopsis of statutes are of course the statutes at large, but the Digest of the Public General Statutes of Tyrwhitt and Tyndale, 1823-25, is invaluable.

Property, in all forms, was regarded as of more importance than life or liberty ; but life and liberty were respected when the persons involved were of a certain social standing, and were property owners. The poor man was arrested and confined in gaol ; the well-to-do were summoned should occasion arise, and could, in any case, give security. Besides the enactments herein referred to there were others which could be, and often were, used to restrain labour and trade, and so indirectly help to enslave the workers and perpetuate their legal disabilities.

## CHAPTER VI

### A CENTURY OF LABOUR LEGISLATION

#### *Remedial Legislation.—I.*

IT is no part of my scheme to write a history of the “martyrs, heroes, and bards” of the labour movement. Incidentally some of those who did yeoman service will be mentioned in the proper place ; but a large number acted like heroes, did their work bravely, and died unknown, except perhaps to their own small circle, and by these were speedily forgotten. As associations of all kinds were prohibited and mutual help forbidden, there were only two courses open to the workmen, namely, to mutely suffer or dare to combine and bear the consequences. The majority endured, more or less in silence ; but some chose the other alternative, and faced the penalties. As they could not combine legally, they associated in secret ; hence the charge of “secret societies” levelled against trade unions in the earlier years of the nineteenth century. What else could they do? Some tried to take advantage of the Friendly Societies Act of 1793, and use it to cover purposes prohibited by the Combination Laws. In some other instances, notably in the woollen trades and in ship-building, some form of combination existed by usage, and was only interfered with occasionally. Some guilds, also, still existed, and were not suppressed, though, especially when the operative members asserted their rights, the masters, as a rule, used the guild ordinances for their own

special benefit. As a matter of fact the guilds that were left were mostly masters' corporations, whose only object was exclusiveness in trade and the control of all matters thereto appertaining.

I. *Repeal of the Combination Laws.*—Those who imagine that the repeal of the Combination Laws was due to any deep sympathy with the cause of labour are wofully ignorant of industrial history, and of the influences which led up to the inquiry which resulted in that repeal. The motives of the pioneers in the movement varied as their interests varied. The parties were often absolutely divergent, frequently strongly opposed. They worked sometimes on parallel lines, without the slightest notion of converging; and yet there was a point where the lines tended to converge, and an onlooker would have perceived that perpetual divergence, or even continuous motion in a parallel direction, would become impossible. Employers and employed alike ultimately contributed to the final result—a point of contact which could not be avoided.

1. *Statute of Apprentices.*—The contest began over the provisions in the statute of Queen Elizabeth (5 Eliz., c. 4). The regulations as to apprentices in that once famous statute were found to be irksome to employers in the textile trades, and they sought to have its provisions repealed. The operatives opposed the repeal. Attempts were made in Parliament to repeal the—to employers—obnoxious Act. Employers petitioned in favour of repeal, the signatures to which petitions numbered 2,000 only; whereas the signatures to petitions in favour of the then existing Act numbered 300,000. Under these circumstances a Parliamentary Committee was appointed in 1813 to inquire into the whole question. The evidence against repeal was so preponderating that even the chairman of the Committee was brought round to the views of the operatives, though he had been previously against them.

2. Notwithstanding the strong opposition of the workmen, and in spite of the overwhelming evidence against

repeal, the master manufacturers succeeded in the following year, 1814, and the Act (5 Eliz., c. 4) was repealed in so far as a limitation of apprentices was concerned by 54 Geo. III., c. 96. The contest was a curious one. The Act had practically ruled the industrial system for about one hundred years. It embodied many of the regulations established by the old guilds, especially the craft guilds. It had been already abrogated as regards woollen manufactures, now it was abrogated for all trades. The statute was not a good one from an economical and industrial point of view; but it contained provisions more favourable to labour than any passed previously, or even subsequently, down to the year 1824. The workers of all grades supported the law, and desired its enforcement. Employers regarded it as a clog on the wheels of industry and sought to set it aside, and did practically set it aside, even before repeal. The disclosures before the Parliamentary Committee showed plainly how child labour was displacing adult labour, and that, too, in a form which gave no redress. Guardians of the poor!—Heaven save the mark—turned over to manufacturers pauper children by hundreds, these being at the tender mercies of overlookers with no bowels of compassion. Adults had to teach children how to do the work, and thereby displaced their own labour; and there was no remedy. No wonder that the men clung to the Act of Elizabeth—it was the straw to the drowning man.

3. *Mechanical Inventions and Labour*.—The development of the manufacturing system intensified the hardships and privation of the workers to such an extent that their whole character seems to have deteriorated. They regarded with little aversion acts which were not only vicious, but actually criminal, not merely in the legal sense of being contrary to the Combination Laws and other enactments, but in the deeper sense—crimes against humanity. In their despair they committed deeds of violence, destruction of property, and injury to persons, sometimes even unto death. The most serious outrages appear to have taken place in Glasgow, Paisley, and the

surrounding districts in the years 1819, 1820, to 1823. Inquiries into the origin of those outbreaks were instituted, but the witnesses of the operatives denied that they were instigated by trade unions, or that they had anything to do with them. The character of the outrages, however, their frequency, and the way in which the perpetrators were often shielded indicate combined action, and also the reasons for such. They were systematic, and evidently upon a concerted plan. They had one object, and that object was not plunder. The use of machinery was hindered, and machines were destroyed; sometimes men were injured. The reasons were not far to seek. The common informer was abroad, and workmen knew that he would sell his fellows for pieces of silver. Privation, discontent, and distrust were the mainsprings of disorder, and there was no outlet for the men to air their grievances by meetings or open association.

4. *Opposing Factions as to Enactments.*—The opposing contention of the two parties concerned must have perplexed the Government and members of the House of Commons. They found the operatives clamouring for the enforcement of one series of enactments and for the repeal of another. Employers clamoured for the repeal of one series of enactments and for the continuance of another. They were but sections of the whole people after all. The nation was greater than all the sections combined. Some dimly perceived that perhaps a certain modicum of liberty might be better than multiplied measures of suppression, which had obviously failed to accomplish all that was intended. It was self-evident that combinations existed, the inquiries instituted fully proved that fact. Other facts were proven, not very creditable to employers. Some of them used the Combination Laws to prevent actions at law for wages due, as well as to avert any advance in wages. This may have been rare, but the fact was proven, and it was ominous of mischief. It shows what evil lurked beneath such enactments as the Combination Laws when used by unscrupulous men. One instance of an opposite character



may be quoted. The master printers in 1816 stated to their workmen that they had decided not to avail themselves of the Combination Laws to suppress their union, though a dispute then existed. It must have come to the knowledge of many members of Parliament that the various enactments referred to operated adversely to labour and advantageously to employers; indeed many of the latter condemned the laws in no measured terms.

5. *Operation of Repressive Laws.*—A few instances may be cited. Three linen weavers of Knaresborough were sent to Wakefield Gaol for three months in 1805, one of whom simply carried a letter to York requesting monetary assistance from other workmen. In 1816 three carpenters were sentenced to one month's imprisonment each, and two others to twelve months each, under the Combination Laws, but in the latter case some violence had been used. The curious thing in this case was that the men in this trade prosecuted the employers for combination, but they failed to obtain a conviction, although the case was fully proven. The counsel employed was so disgusted that he returned his fees as a protest against the decision. In one instance a shoemaker summoned his employer for wages; he replied by a summons under the Combination Laws, and succeeded. In another instance a dispute arose as to wages; the master called all his men together to discuss, as they thought, the matter. On pretence of sending out for beer, he sent for constables to take them into custody. They were all convicted and sentenced to one month's imprisonment, and a fine of 21s. each. One of the worst cases occurred in Lancashire in 1818. An employer resolved to reduce wages of weavers 1d. per yard. The other employers declared that there was no necessity for the reduction. The weavers not only prevented the reduction, but by combination obtained an advance. Subsequently a further advance was demanded, and some employers offered to grant the advance by instalments. At a meeting of delegates of the men the compromise was agreed to.

The president of the meeting, Robert Ellison, attended it at the request of his own employer, the author of the compromise, and an advocate of the resolution agreed to by the employers. A fortnight after the adoption of the compromise, when all the operatives had resumed work, Ellison, the president, and the two secretaries, R. Kaye and R. Pilkington, were arrested by warrant, issued by Manchester justices, and were only released on bail, the amount being fixed at £400. Mr. White, Ellison's employer, procured bail. On surrendering they were tried for conspiracy, were convicted, and Ellison was sentenced to twelve months' imprisonment, in spite of Mr. White's evidence in his favour and his own avowal of being the author of the resolutions agreed to. The other two prisoners were sentenced to two years' imprisonment each, which they all suffered.

6. *Inquiry into Effect of Combination Laws.*—The foregoing are but samples of prosecutions and punishments. Public attention was drawn to the inequalities of the law and the severity of the penalties. Some members of Parliament, with Joseph Hume at their head, pressed for an inquiry, and in the year 1824 a Select Committee was appointed to inquire and report upon the laws relating to artisans and other workmen. Outside helpers were not wanting. One of the first to render assistance was Francis Place, a master tailor, a man whose name figured afterwards in other good work on behalf of labour, political enfranchisement, freedom of the Press, and other measures. The Committee sat, took evidence, and speedily reported. It is not necessary to go into the evidence; suffice it to say that both sides did their best to prove their case; the employers failed, the workmen succeeded, as the following shows:—

7. *Report of Select Committee, 1824* :—

“(1) It appears from the evidence before the Committee that combinations of workmen have taken place in England, Scotland, and Ireland, often to a great extent, to raise and keep up their wages, to regulate their hours of working, and to impose restrictions on their

masters respecting apprentices or others whom they might think proper to employ; and that, at the time the evidence was taken, combinations were in existence, attended with strikes and suspension of work; and the laws have not hitherto been effectual to prevent such combinations.

“(2) That serious breaches of the peace and acts of violence, with strikes of the workmen, often for very long periods, have taken place in consequence of and arising out of combinations of workmen, and have been attended with loss to both masters and workmen, and with considerable inconvenience and injury to the community.

“(3) That the masters have often combined to lower the rates of their workman's wages, as well to resist a demand for an increase and to regulate their hours of working, and sometimes to discharge their workmen who would not consent to the conditions offered to them, which have been followed by suspension of work, riotous proceedings, and acts of violence.

“(4) That prosecutions have frequently been carried on under the Statute and Common Law against the workmen, and many of them have suffered different periods of imprisonment for combining and conspiring to raise their wages, or to resist their reduction, and to regulate their hours of working.

“(5) That several instances have been stated to the Committee of prosecutions against masters for combining to lower wages and to regulate the hours of working; but no instance has been adduced of any master having been punished for that offence.

“(6) That the laws have not only not been efficient to prevent combinations of masters or workmen, but on the contrary have, in the opinion of many of both parties, had a tendency to produce mutual irritation and distrust, and to give a violent character to the combinations, and to render them highly dangerous to the peace of the community.

“(7) That it is the opinion of this Committee that masters and workmen should be freed from such restrictions as regards the rate of wages and hours of working, and left at perfect liberty to make such agreements as they may mutually think proper.

“(8) That therefore the statute laws that interfere in this particular should be repealed, and also that the Common Law, under which a peaceable meeting of masters or workmen may be prosecuted as a conspiracy, should be altered.

“(9) That the Committee regret to find from the evidence that societies legally enrolled as benefit societies have been frequently made the cloak under which funds have been raised for the support of combinations and strikes attended with acts of violence and intimidation; and, without recommending any specific course, they wish to call the attention of the House to the frequent perversion of these institutions from their avowed and legitimate objects.

“(10) That the practice of settling disputes by arbitration between masters and workmen has been attended with good effects, and it is

desirable that the laws which direct and regulate arbitration should be consolidated, amended, and made applicable to all trades.

“(11) That it is absolutely necessary, when repealing the Combination Laws, to enact such a law as may efficiently and by summary process punish either workmen or masters who by threat, intimidation, or acts of violence, should interfere with the perfect freedom which ought to be allowed to each party of employing his labour or capital in the manner he may deem most advantageous.”

8. *Character of the Report.*—The foregoing report of the Select Committee in 1824 puts the whole case clearly, temperately, fairly. It is indeed surprising, under all the circumstances, that a Committee of the House of Commons should, at that date, have agreed to all the recommendations there made, and have condemned enactments regarded by Government and employers as essential to the wellbeing of the community. The chief reasons for repeal are indicated—the failure of the Acts to accomplish their design; the growth of secret organisations, and the use made of friendly societies to promote objects not intended by those Acts. The condemnation of the Combination Laws by the report is unmistakable. The recommendations in paragraphs 7 and 8 are statesmanlike—freedom from legal restrictions, and “perfect liberty” for both parties “to make such agreements” as to wages and hours of working “as they may mutually think proper.” Such was the first step towards healthier legislation in matters pertaining to capital and labour.

## CHAPTER VII

### A CENTURY OF LABOUR LEGISLATION (*continued*)

#### *Remedial Legislation.*—II.

THE immediate outcome of the inquiry was a measure to repeal the Combination Laws, and to substitute other enactments in their stead. This Bill was passed into law in the same session (1824) as 5 Geo. IV., c. 95.

1. *Repeal of Combination Laws.*—(1) The preamble to that Act was :—

“Whereas it is expedient that the laws relative to combinations of workmen, and to the fixing of the wages of labour, should be repealed, and certain combinations of workmen should be exempted from punishment, and that the attempt to deter workmen from work should be punished in a summary manner,” therefore, &c.

(2) Section I. repealed all the specific enactments against combinations of workmen, and some others bearing thereupon. The total number of enactments enumerated for repeal was thirty-four, covering a period of about 513 years. The first was 33 Edw. I., St. I., as given in the “Statutes at Large.” This was only repealed in part, as regards conspiracy by workmen. The general terms of the enactment included have been already given, and need not be repeated. The same remarks apply to the other enactments repealed.

(3) Section II. enacted : “That journeymen, workmen, or other persons who shall enter into any combination to obtain an advance, or to fix the rate of wages, or to lessen or alter the hours or duration of the time of working, or to decrease the quantity of work, or to induce another to depart from his service before the end of the time or term for which he was hired, or to quit or return his work before the same be finished, or, not being hired, to refuse to enter into work or employment, or to regulate the mode of carrying on any manufacture, trade, or business, or the management thereof, shall not therefore be subject

or liable to any indictment or prosecution for conspiracy, or to any other criminal information or punishment whatever under the Common or the Statute Law."

(4) Sections III. and IV.—By the former, masters offending in like manner are exempted from punishment; by the latter all penal proceedings under the repealed Acts are declared void.

(5) Section V. enacted: "That if any person by violence to the person or property, by threats or intimidation, shall wilfully or maliciously force another to depart from his hiring or work before the end of the time or term for which he is hired, or return his work before the same shall be finished, or damnify, spoil or destroy any machinery, tools, goods, wares or work, or prevent any person not being hired from accepting any work or employment; or if any person shall wilfully or maliciously use or employ violence to the person or property, threats or intimidation towards another on account of his not complying with or conforming to any rules, orders, resolutions or regulations made to obtain an advance of wages, or to lessen or alter the hours of working, or to decrease the quantity of work, or to regulate the mode of carrying on any manufacture, trade or business, or the management thereof; or if any person by violence to the person or property, by threats or intimidation, shall wilfully or maliciously force any master or mistress manufacturer, his or her foreman or agent, to make any alteration in their mode of regulating, managing, conducting or carrying on their manufacture, trade or business, every person so offending, or causing, procuring, aiding, abetting or assisting in such offence, being convicted thereof in manner hereinafter mentioned, shall be imprisoned only, or imprisoned and kept to hard labour for any time not exceeding two calendar months."

(6) Section VI. enacts that persons combining to effect such purposes as before mentioned shall be similarly punished on conviction of such offence. The words of Section V. are repeated verbatim. There is, however, a significant proviso, thus: "Nothing herein contained shall alter or affect any law now in force for the prosecution and punishment of the said several offences; only that a conviction under this Act for any such offence shall exempt the offender from prosecution under any other law or statute."

(7) The other sections need not be particularised, except to say that *one* or more justices had jurisdiction. Provision is made for issue of summons, or warrant, witnesses, &c. Offenders were compelled to give evidence for the Crown, and there was no appeal. Conspiracy at common law was abolished or modified, as recommended by the Select Committee, Sections II. and III.

2. *Proposed Repeal of Act of 1824.*—The passing of the Act referred to (5 Geo. IV., c. 95) so alarmed employers that a demand was made for its immediate repeal. It is difficult at this distance of time to understand the

cause of such alarm. The Act conceded something, much in Section II. ; but in Sections V. and VI. the provisions were such that any act done by an individual or in combination was capable of being construed into an offence, severe punishment being inflicted therefor. Workmen were empowered to combine by Section II., but in Sections V. and VI. almost all the means whereby the objects sought could be attained were declared to be illegal. The language of the Act is so verbose that the governing words—"by violence, threats, or intimidation"—are lost sight of, while the terms "wilfully or maliciously" have obtained such a technical interpretation in law as to practically cover any and every act done by the person prosecuted or, in civil actions, sued.

3. *Inquiry into Operation of Act of 1824.*—The Act is dated June 21, 1824. In April, 1825, a Select Committee was appointed, on the motion of Mr. Huskisson, to inquire into the effects of the Act, and to report thereon to the House. The first sitting took place on April 18th, and on June 8th the Committee reported. The Committee sat to take evidence twenty-five days, and examined sixty-nine witnesses. The nature of the evidence is not now material, after an interval of over seventy-five years. Much of it was extraneous, a good deal of it "hearsay," such as would not be accepted in a court of law. Nearly all the evidence as to violence referred to the years 1817 to 1820, and not to any of more recent date. Most of the violence spoken of took place in Dublin, very little elsewhere. Many of the employers declared that no violence occurred in connection with their works or business, others that none had occurred recently under the new Act. Evidence as to secrecy was adduced, a portion of which the men rebutted, but they admitted that their operations had been secret because of the law. Employers had to admit that they acted in combination, which was technically as illegal as for workmen. There was no evidence in support of the demand for the repeal of the Act of 1824 by reason of dangerous methods being employed. One witness indeed said: "They [the colliers] were a little more dictatorial than they were before." One monstrous admission was

made by a shipowner of North Shields, namely, that the shipowners demanded from the Secretary of State intervention by the Government to put down the riotous proceedings of the seamen because property was in imminent danger. Asked as to this whether he, the witness, knew of any personal or other violence, he said, "No, not the smallest." Yet he had signed the "remonstrance"!

4. *Effect of Act of 1824.*—The one important fact elicited by the Committee was, not that combinations had very greatly increased in number during the ten months succeeding the passing of the Act of 1824, but that the proceedings were more open and public, and consequently more apparent. The men conceived that they had the right to combine openly under the Act, and they acted accordingly. The force and influence of unions, acknowledged to be of older date, had increased. Demands for increased wages were made, which employers resented. But many of the latter were frank in their admissions that their own combinations were for the purpose of keeping down wages; they took the ground that they alone should be able to fix the rates.

5. *The New Act of 1825.*—Fortunately the panic which had seized employers, and also, to some extent, the legislature, at what appeared to be the consequences of the Act of 1824, subsided. The inquiry had not disclosed any very serious evil results. The publication of the evidence allayed the feeling of uneasiness and even of terror which had taken possession of the public—meaning that section called "Society." Strikes had become more frequent, but there was less violence. It was felt that to re-enact the old Combination Laws would be dangerous. The Government could not go back on its own policy. The repeal of the old Acts must be maintained, even if the provisions of 5 Geo. IV., c. 95, had to be strengthened in some particulars. Fortunately this was the policy decided upon, but seriously to the disadvantage of the workmen.

6. *Intention of New Act.*—The Right Honourable Thomas Wallace was chairman of the Committee in



1825, and he it was who introduced the new Bill. In doing so he is reported to have said : "He was no friend to the Combination Laws, but he wished that the Common Law, as it stood before, should be again brought into force ; this he believed would be quite sufficient for the purpose. The principle of the Bill now before the House was to make all associations illegal, excepting those for the purpose of settling such amount of wages as would be a fair remuneration for the workmen. He knew it had been objected that this was not enough ; but he thought it was safer to point out the description of association that was legal than to specify all which were illegal ; in doing which there was great danger either of putting in too much or of leaving out something which might be necessary. The Bill of last year was on the same principle as this ; but it went a little further ; and this, he apprehended, was the cause of the inconvenience now universally felt."

7. *Object and Provisions of New Act.*—The substituted Act of 1825, the 6 Geo. IV., c. 129, governed the relationship between employers and employed for the next fifty years in so far as collective action was concerned, when the legality of such action was contested in courts of law. It is therefore important that its chief provisions should be understood ; also its object, as set forth in the preamble, which is thus expressed :—

(1) "Whereas an Act was passed in the last session . . . intituled, &c., by which various statutes, and parts of statutes, relating to combinations among workmen for fixing the wages of labour, &c., &c., were repealed, and other provisions were made for protecting the free employment of capital and labour, and for punishing combinations interfering with such freedom, by means of violence, threats, or intimidation ; and whereas the provisions of the said Act have not been found effectual ; and whereas such combinations are injurious to trade and commerce, dangerous to the tranquillity of the country, and especially prejudicial to the interests of all who are concerned in them ; and whereas it is expedient to make further provision as well for the security and personal freedom of individual workmen in the disposal of their skill and labour as for the security of the property and persons of masters and employers ; and for that purpose to repeal the said Act, and to enact other provisions and regulations in lieu thereof ; be it therefore enacted," &c., &c.

It need scarcely be said that there is nothing in the evidence to justify the above preamble ; but it is possible that political exigencies required it at the time.

(2) Section I. repealed the Act of the previous year (5 Geo. IV., c. 95). Section II. repealed the catalogue of Acts repealed by that statute, and re-enacted that section in the former Act, thus confirming the repeal of all statutes against combinations of workmen as therein enumerated.

(3) Section III. "If any person shall by violence to the person or property, or by threats or intimidation, or by molesting, or in any way obstructing another, force or endeavour to force any journeyman, manufacturer, workman, or other person hired or employed in any manufacture, trade, or business, to depart from his hiring, employment or work, or to return his work before the same shall be finished, or prevent or endeavour to prevent any journeyman, manufacturer, workman or other person not being hired or employed from hiring himself to, or from accepting work or employment from any person or persons ; or if any person shall use or employ violence to the person or property of another, or threats or intimidation, or shall molest or in any way obstruct another for the purpose of forcing or inducing such person to belong to any club or association, or to contribute to any common fund, or to pay any fine or penalty, or on account of his not belonging to any particular club or association, or not having contributed, or having refused to contribute to any common fund, or to pay any fine or penalty, or on account of his not having complied with, or of his refusal to comply with any rules, orders, resolutions or regulations made to obtain an advance or to reduce the rate of wages, or to lessen or alter the hours of working, or to decrease or alter the quantity of work, or to regulate the mode of carrying on any manufacture, trade or business, or the management thereof ; or if any person shall by violence to the person or property of another, or by threats or intimidation, or by molesting or in any way obstructing another force or endeavour to force any manufacturer or person carrying on any trade or business to make any alteration in his mode of regulating, managing, conducting or carrying on such manufacture, trade or business, or to limit the number of apprentices, or the number or description of his journeymen, workmen, or servants ; every person so offending, or aiding, or abetting, or assisting therein, being convicted thereof in manner hereinafter mentioned, shall be imprisoned only, or shall and may be imprisoned and kept to hard labour for any term not exceeding three calendar months."

(4) Section IV. makes proviso for meetings for settling rates of wages to be received, or hours of work to be employed, by persons meeting ; and for agreements, verbal or written, among themselves, that such persons shall not be subject to the penalties of the Act. Section V. makes similar provision as to masters and employers. The

words of those sections limit the exemption from penalties of persons present at such meeting." But the subsequent words, "or entering into any such agreement as aforesaid," imply that, though not present, persons might act collectively, if they so agreed, whether actually present at the meeting or not. No member of a union, however, would be bound by such agreement if he contested it in law.

(5) The other sections of the Act are similar to those in the previous Act of 1824. Offenders could be called upon and compelled to give evidence, and might be indemnified. One or more justices could issue summons, but two were required to issue warrant, in case of non-appearance. Provision was made as to procedure, the summoning and examination of witnesses, form of conviction, appeal, &c. The last section enacts that no master in the particular trade, &c., in which offence is charged shall act as justice in the case.

8. *The Common Law and Combination.*—In the previous Act, 5 Geo. IV., c. 95, in Sections II. and III., these words occur, that workmen acting in combination "shall not, therefore, be subject or liable to any indictment or prosecution for conspiracy, or to any other criminal information or punishment whatever, under the Common or Statute Law." Those words were omitted in the new Act. But the following were substituted in Sections IV. and V. : "Persons meeting or entering into any such agreement as aforesaid shall not be liable to any prosecution or penalty for so doing, any law or statute to the contrary notwithstanding." This apparently did not include the Common Law.

9. *Operation of Act for Fifty Years.*—The chief provisions of the Act are given *in extenso*, because they were in force as the principal enactments for nearly fifty years, until repealed by the Act of 1871. There was, however, only a modification of the provisions in 1871 by the Trade Union Act and the Criminal Law Amendment Act, but not to any great extent. The real repeal was by the Labour Laws in 1875. The cumbrous form of the sections, and the clumsy language in which they were expressed, led to no end of complications, the worst interpretation being usually given against offending workmen, the Common Law as to conspiracy being often used in cases of prosecution.

## CHAPTER VIII

### DEVELOPMENT OF UNIONISM : EFFORTS TO ARREST IT.

THE repeal of the Combination Laws gave an immense impetus to the labour movement, notwithstanding the stringent provisions in enactments quoted with regard to the means which could be employed in furtherance of the workmen's desired objects. Within the next few years trade unions sprang into existence with amazing rapidity, and even "Consolidated Unions" were established, in spite of the fact that the Corresponding Societies Act was still in force. Some employers became alarmed at the growth and progress of the unions. But they might have spared themselves some of the anxiety manifested. As a matter of fact employers overestimated the growth of unionism. The activity of the unions surprised them. They forgot, or did not know, that the evidence given before the Select Committees in 1824 and 1825 proved up to the hilt that unions did exist under, and in spite of, the Combination Laws. Then they were secret organisations, conducted by signs, with an elaborate system of collecting and distributing the funds required for their purposes. Under the Act of 1825 they could meet openly, hence the activity of the unions. The zeal of the members could be seen as well as felt. Previously pressure was felt, but the motive power was hidden. The active forces were in ambush ; terrorism was resorted to ; outrage was not infrequent. Those methods did not disappear all at once ; how could they ? But a healthier system was developing. Secret

societies are not favoured by British workmen ; never were, except as a last resort.

1. *Right of Public Assembly Asserted.*—The agitation for reform between 1825 and 1832, when the Reform Bill was carried, led to a succession of public meetings such as had not been witnessed for more than a quarter of a century. Politicians required an open platform, and they also required the aid of the workers to enable them to secure the abolition of pocket-boroughs, and some measure of enfranchisement. Workmen sighed for political power mainly as a means to an end, that being better wages, fewer working hours, and improved conditions of labour generally. The right of public meeting secured for one purpose made it available for another. Politicians and labour leaders did not always agree in their objects, but, for a season, they fought side by side for the right to discuss grievances and to propound remedies. In this way the right to assemble was asserted. The Reform Bill was carried, and a gagging Bill was scarcely possible by those carried into power by the help of the then voteless masses of the people.

2. *Uses of Public Meetings.*—During the reform agitation less was heard of labour movements, but organisation was carried on, and unions were formed in trades where none previously existed, or, if they did exist, were unknown to the public. A trade union cannot be constituted in a day. It was more difficult then than now, because men were still timid. They did not know how far they could trust the new enactments. They were suspicious of law, of Government, and of each other. Tact was required of the leaders, confidence on the part of the men. They were unused to liberty, and were doubtful as to its extent. Besides, the "common informer" was still a power in the hands of the Government and of others.

3. *Consolidation of Unions.*—In the year 1833 it had become manifest that the work of organisation had been going on apace. The unions were nearly all local and sectional, but it was evident that efforts had been made

to broaden their lines. There were understandings, if not actual amalgamations, or "consolidations," as they were then called—federation is the term now employed when different unions unite—"for protective, not aggressive," purposes. In those earlier days the institution of a union was nearly always followed by a strike ; indeed, in many cases the strike came first, then organisation. This is not to be wondered at when we remember that wages were low, the working hours long, and provisions were high in price. Grinding necessity impelled the men on, even when obviously unprepared. Counting the cost before entering into a contest meant delay. Prudence comes with experience, and of this there was little at that period to guide men.

4. *Trade Union Newspaper Published.*—In 1833 there were several strikes of a more extended character than in previous years, and it would appear that the then Home Secretary had been approached with the view of re-enacting the Combination Laws. Strikes at Manchester, Paisley, Birmingham, Leeds, Derby, in the Potteries, and elsewhere, had led to prosecutions, but the unions had stood by each other, assistance being rendered liberally to those on strike. The General Trades' Union was established, and on September 7, 1833, the first number of the *Pioneer, or Trades Union Magazine* was issued as the organ of the movement, edited by James Morrison, of Birmingham.<sup>1</sup> A few months later the organisation was called "The Grand Consolidated National Trades Union."

5. *Lord Melbourne and Trade Unions.*—The *Pioneer* reported very fully the chief labour movements in 1833 and 1834 in all the principal industries in which trade unions had been established—in the building, textile, clothing, leather, boot and shoe, printers, iron and steel, and numerous other trades. In No. 2, September 14, is given copy of a letter by Viscount Melbourne, Home

<sup>1</sup> My bound copy of the *Pioneer* belonged to Francis Place, and has his book-plate. It was presented to me by Dr. Black.

Secretary, to Mr. George Young, of Leeds, the representative of the Leeds employers. The letter was in reply to a "memorial of the merchants, manufacturers, &c., of the West Riding of Yorkshire." His lordship's private secretary, G. Lamb, says: "As his lordship has often before expressed it in Parliament, he considers it unnecessary to repeat the strong opinion entertained by His Majesty's Ministers of the criminal character and effects of the unions described in the memorial upon the interests of the masters, the workmen themselves, and the country in general. Many of the acts mentioned are in themselves actual breaches of the law, and no doubt can be entertained that combinations for the purposes enumerated are illegal conspiracies, and liable to be prosecuted as such at Common Law." The rest of this remarkable, not to say culpable, letter deals with suggestions as to local procedure, in which he counsels "firmness and resolution" rather than "concessions and weakness." This by the Home Secretary of the Reform Ministry which had crept back to power by the help of the workmen! And be it remembered that the Combination Laws had been repealed. If the acts of the men were criminal "conspiracies, liable to be prosecuted as such at Common Law," why did not he, as Home Secretary, put the law in motion?

6. *Return to Repression Intended.*—It was manifest in 1833—the year after the Reform Act—that the "Reform Ministry" were disposed to take steps to cripple the unions, if not by the re-enactment of the Combination Laws, by some other means. The memorial of the merchants, manufacturers, and others of the West Riding of Yorkshire expressed the employers' sentiments. The letter of Lord Melbourne, Home Secretary, dated September 3, 1833, indicated the sentiments of the Government, and very strongly his own. But the unions seem to have given no sufficient pretext for interference. The blow was inevitable, however, and it fell upon six poor Dorchester labourers in the obscure parish of Todpuddle, even at present far removed from the madding crowd,

quite away from railway communication, or was when I last visited the village a quarter of a century ago.

7. *Prosecution of Dorchester Labourers.*—The story of this prosecution and its results is one of the most disgraceful in the history of persecution. In 1831–1832 there was a general movement among the working classes for an advance in wages, in which even the downtrodden agricultural labourers took part. The labourers of Todpuddle solicited an advance, and met their employers to negotiate. The latter agreed to concede the same rates as were paid by other farmers in the district. With this promise the men returned to their work. There was no threat, no word of an intimidating character used, and the men thought that all was mutually arranged. But the promise was not kept. The employers refused to give more than 9s. per week, though other farmers in the neighbourhood gave 10s., or its equivalent, to their men. In the following year, 1833, these employers of Todpuddle reduced their men's wages again to 8s. per week.

8. *Labourers' Wages and Justices of the Peace.*—The reduction in wages caused great dissatisfaction, and the whole of the labouring men in the village, except two or three invalids, applied to a resident magistrate, W. M. Pitt, Esq., for his advice. The men were evidently under the impression that the justices had still the power to fix wages. Mr. Pitt asked the men to appoint a deputation of two or three, and come to the County Hall on the following Saturday, and he would apprise the chief local justice, James Frampton, Esq., and request the employers to come also to settle the matter. The deputation waited upon the justices at the County Hall as suggested. The magistrate told the men that they must work for what wages the masters thought fit to give them, as there was no law to compel masters to give any fixed rate. The men remonstrated, and called upon the clergyman of the parish (Dr. Warren) as witness of the agreement previously entered into. This ornament of the Church had pledged himself to see the men righted, but he, like the farmers alluded to, repudiated his promise.



9. *Formation of a Union.*—The men continued working, but they were embittered by reason of broken promises and injustice. Their wages were further reduced to 7s. per week, and were told that a further reduction to 6s. per week would follow. Then it was that the men tried to form a trade union, some of them having heard of such organisations. In October, 1833, two delegates of a trade union visited the village, and a union was formed. Members of trade unions at that date, like members of the old guilds, of friendly societies, of Freemasons, Orangemen, and others, formulated an oath of fidelity, nothing treasonable in it—a simple declaration, on oath, to abide by the rules, not to divulge the business, and to be faithful to each other.

10. *Treachery: the Common Informer.*—On December 9, 1833, a “common informer,” named Edward Legg, attended the lodge meeting, and asked to be admitted as a member. George Loveless, who wrote the whole story in 1837, states that he had no knowledge as to how or by whom Edward Legg was introduced. On February 21, 1834, a kind of proclamation, or placard, was issued by the magistrates and posted up in conspicuous places, cautioning men as to combinations, and threatening them with seven years’ transportation if they joined the union. George Loveless obtained a copy and read it. He says, “This was the first time that I had heard of any law being in existence to forbid such societies.” This notice, issued by the justices, was eight years after the Combination Laws had been repealed, was, in fact, an unlawful act; there was no law in force forbidding such societies.

11. *Arrest of Loveless and Others.*—On February 24th, as George Loveless was going to work in the early morning, the parish constable met him and said, “I have a warrant for you from the magistrates.” Loveless asked its nature; the constable gave it him to read. The latter asked him if he was willing to appear before the magistrates. Loveless answered “Yes.” His five companions had been similarly apprehended, and all of them, with the constable and another, tramped seven miles to Dorchester,

where James Frampton and one other justice received them, Legg, the informer, being present to give evidence. The prisoners were asked various questions, to which their reply was, "We are not aware of having broken any law." Legg swore to their having been present at the meeting on December 9th, and they were thereupon remanded—James Hammett with the rest, though not present, as sworn to by Legg. On entering the prison they were searched, stripped, their heads shorn (the prison crop), and kept in confinement till the following Saturday—five days.

12. *Means Employed to Ensure Conviction.*—On March 1st they were brought before the bench of magistrates, Legg again being the sole witness, when they were committed for trial. They were tried on March 15th at the County Hall, when another witness was produced by the name of Lock. Efforts were made by lawyers, justices, parsons, and others to induce some one or more of those six men to give evidence against the others. They all refused, though freedom was offered as a reward. The evidence was absolutely *nil*, except on one point. The witnesses swore that the men took an oath. This they did not deny. But the oath they took not only bound them together in a bond of fraternity, but also bound them not to violate the law. In any case the law as to unlawful oaths, in the Combination Laws and other enactments relating to labour, had been repealed. They were not re-enacted in the 6 Geo. IV., c. 129. But conviction was desired and intended. Every page in the lives of these men was ransacked in order to discover something to their disadvantage. The search failed. Even their employers had to admit that they were honest, sober, industrious men. They had indeed been guilty of one grave offence which told against them. They were Methodists, some of them local preachers—a shocking offence in those days in many villages, especially in Dorset and other "West Countries." Indeed, next to poaching, it was the gravest of all offences. Agricultural labourers who could desert the mother Church—well, they could be

guilty of anything. And these men were so hardened that they would not even apologise ; more, they defended their action. Conviction in such a case was essential for the safety of the country. It would be a disastrous thing for such men to be let loose on society. Yes, conviction was essential.

13. *Judge and Prisoners Compared.*—In order to ensure conviction the Act of 37 Geo. III., c. 123, was called into requisition. This was an Act passed in 1796-7 for the suppression of mutiny among marines and seamen, caused by the Mutiny of the Nore. Under the provisions of that Act the men were convicted. The Judge—Baron John Williams, then recently appointed—is reported to have said : “ If such societies were allowed to exist, it would ruin masters, cause a stagnation in trade, destroy property, and if they (the jury) should not find the prisoners guilty, he was certain they would forfeit the good opinion of the grand jury.” A verdict of guilty was returned. How, indeed, could it be otherwise ? “ The grand jury were landowners ; the petty jury land renters.” The prisoners, asked if they had anything to say, Loveless, on behalf of all, repudiated any unlawful intention. He said : “ We have injured no man’s reputation, character, person, or property ; we were uniting together to preserve ourselves, our wives and our children from utter degradation and starvation. We challenge any man, or number of men, to prove that we have acted, or intended to act, different from the above statement.” This was the dignified reply. As the judge was about to pronounce sentence, one of the counsel rose and protested. He declared that not one of the charges brought against any of the prisoners at the bar had been proved, and that a great number of persons were dissatisfied, adding that he himself was one.

14. *The Judge and his Sentence.*—Two days later they were again placed at the bar to receive sentence. The learned judge told them “ that not for anything that they had done, or intended to do, but as an example to others, he considered it his duty to pass the sentence of seven

years' transportation across his Majesty's high seas, upon each and every one" of the prisoners. Execration is the only suitable word to apply to judge and sentence.

15. *Treatment of the Prisoners.*—The prisoners were handcuffed and guarded back to prison. Loveless was taken ill in his dungeon and was carried to the hospital. His companions were hurried off to the hulks at Portsmouth. The doctor and one of the magistrates plied Loveless with questions in the hospital, the latter insulting him because of what he was pleased to call his "obstinacy." But Loveless retorted that the meeting for which they had been indicted was held on December 9, 1833; the justices' proclamation was not issued till February 21, 1834, nine weeks after the alleged offence; and within three days after the "caution" they were all in gaol. As his companions had been hurried away, Loveless pleaded to join them, and on April 5th he was conveyed to Portsmouth. When they reached Salisbury the clerk to the prison offered to remove the irons from the prisoner because it would attract the attention of the people. Loveless replied that he was not ashamed of his irons, being conscious of his innocence.

16. *A Captain's Humanity.*—On his arrival at Portsmouth he was rather appalled by the sight of the hulks, the clanking of chains, and the stripped men. Being ordered to the smith's shop to have his irons riveted on his legs he felt depressed; the first mate, however, told him that by the captain's order he was to be placed in No. 9 Ward, one of the best and quietest, in consequence of the good character which he (the captain) had received concerning him. George Loveless, then a poor prisoner, under sentence of transportation, speaks with some pride as well as thankfulness of the conduct of the captain. After all the slanders, the accusations, the atrocious declarations, here was a good character given of him, an answer to all his accusers; the captain of the hulks accepted it, believed it, and treated him kindly. This incident of a naval captain's conduct deserves mention.

## CHAPTER IX

### REVIVAL OF AGITATION, STRIKES, PROSECUTIONS, PROGRESS OF UNIONISM

THE scandalous prosecution of the six Dorchester labourers and the atrocious sentence passed upon them, evoked a storm of indignation throughout the land. Never before had there been such outspoken criticism of judge and jury, such condemnation of a judge's sentence, and of those in power. In the House of Commons, Joseph Hume, William Cobbett, Daniel O'Connell, Sir William Molesworth, J. A. Roebuck voiced the cause of the persecuted and unjustly sentenced men. Out of Parliament Robert Owen, Francis Place, Rev. Dr. Wade, Rev. J. S. Bull, friend of the factory operatives, supported the workers' demand for pardon. The Government was obdurate, and even Lord Brougham supported Lord Melbourne in his attitude of resistance to the appeals for "mercy." No wonder that the Whigs were hated and cursed as enemies to progress. There was a dead set against the *Times* newspaper, workmen refusing to go to public-houses and coffee-shops where it was taken in. The *Times* expressed delight with the sentence when passed, because of "the criminal and fearful spirit of combination which had seized, like a pestilence, on the working classes of this country." In less than a month after it wrote: "The dilemma in which the prosecution is in is this—the crime which called for punishment was not proved; the crime brought home to the prisoners did not justify the sentence." What severer condemna-

tion could be uttered—a condemnation alike of the prosecution of the Government and of the *Times* newspaper itself. Most wonderful *Times*! alas, how often has it supported a bad cause—and then relented!

1. *Sympathy and Support*.—The working classes, as represented by trade unions, had two duties to perform. One was to support the wives and families of the men transported; the other was to take steps for securing the men's release. *The Pioneer* was the chief mouthpiece of the unions at the time, and worked with a will. *The True Sun* also assisted. Money was obtained to pay the costs of the defence of the men, and money was supplied to their families. Subscriptions came not alone from working people, for some of the middle class showed practical sympathy by subscribing.

2. *Petitions for Release of the Convicts*.—Efforts for the release of the men were unsparing. Memorials and petitions were signed all over the country. At one sitting alone petitions with 50,000 signatures were laid on the table of the House. The memorial presented to Lord Melbourne was signed by 240,000 persons. The signatures represented something vastly more than outraged labour's protest.

3. *Indignation at the Sentence*.—More significant still, in one sense at least, was the outburst of indignation at monster public meetings, culminating in the immense gathering in Copenhagen Fields, attended by some 400,000 persons. The procession alone consisted of between 40,000 and 50,000 persons, following the car upon which was the memorial to Lord Melbourne. In that procession were Robert Owen, the Rev. Dr. Wade, and others then of note. The feeling entertained was expressed by J. A. Roebuck, M.P., thus, as reported: "He declared, by Heaven, that, as far as he knew anything of the law, the conviction was illegal." A Dorchester attorney declared that "the judicial proceedings at the trial were so disgustingly arbitrary that he could not prevail upon himself to remain in court." There were more severe expressions than these by workmen and others.

4. *Demonstration—Precautions of Government.*—The organisers of the Copenhagen Fields meeting on April 21st took every precaution to ensure order. They notified to Lord Melbourne that the meeting was to be held, and stated its object ; first by and through Robert Owen, and then by a formal deputation. The latter asked that some police should be told off to attend the procession ; this was refused. The Home Secretary stated that the police had general instructions to preserve the peace, “and,” he added emphatically, “they shall preserve it.” This significant threat was not needed ; it only showed the animus of the Minister. The precautionary measures were not merely “general,” as Lord Melbourne suggested. A special notice was issued, under express sanction of the Government, by F. A. Roe, chief magistrate, Public Office, Bow Street, dated April 19th, in which the following words occur : “Whereas such a meeting and such proceedings are highly improper and objectionable, calculated to excite terror in the minds of the well-disposed and peaceful inhabitants of the metropolis, and may prove dangerous to the public peace, as well as to the individuals engaged in them, the magistrates of the police offices hereby warn all classes of his Majesty’s subjects of the danger to which they expose themselves by attending such meeting or taking part in such proceedings.” Letters were addressed to all Justices of the Peace in Middlesex and adjoining counties requiring their co-operation. Troops of all kinds were poured into the metropolis—infantry, cavalry, and artillery with cannon, in addition to the Life Guards, Horse Guards, Lancers, Queen’s Bays, and other regiments stationed in London. But, happily, all this armed force was kept out of sight—“Not a soldier was to be seen,” said a reporter of the *Pioneer*.

5. *Lord Melbourne and the Petition.*—Lord Melbourne had stated to Robert Owen that “he would be at the Home Office from 11 a.m. till 5 p.m., or any other hour convenient to the deputation, but that he would receive no deputation which was accompanied by a vast assemblage

of persons for the purpose of intimidation." The assemblage was not for intimidation, but for the purposes of demonstration, quite a different matter. However, his lordship was quite within his rights in either case. The car containing the petition was specially constructed for the purpose, and was borne on the shoulders of twelve men. The car was in front, followed by Dr. Wade, in full canonicals as Doctor of Divinity, and Robert Owen. Then came the procession, from six to seven miles long, of 40,000 to 50,000 men, attended by, it is estimated, between 50,000 and 60,000 persons not in the procession. The petition was carried to the Home Office, five persons, with Mr. Owen, being deputed to see the Home Secretary. His lordship's secretary stated that the Home Secretary refused to see a deputation accompanied by the procession, and objected to Mr. Owen personally as not being one of the deputation. The whole six then retired, and the deputation of five returned, but were informed that the petition could not be received under the circumstances, but would be received if presented on another day in a proper manner. The deputation then retired, taking the petition with them. The procession had meanwhile moved on down Parliament Street, over Westminster Bridge, and thence to Kennington Common. After a short rest the procession and spectators quietly dispersed, in good order. There was no disturbance from first to last; neither police nor military were called into requisition or needed.

6. *Petitions, Discussions, and Reprieve.*—The great petition was subsequently "presented in a becoming manner," and was presumably laid before his Majesty the King, as were numerous other petitions on the same subject. There was a short discussion on the subject in Parliament on the following Monday, April 28th. Lord Brougham, in the House of Lords, had to acknowledge that public meetings were legal enough, but he added, "It is not legal for men to assemble together in vast bodies disproportioned to the necessity of the occasion"—a curious remark from one who supported the immense



gatherings in favour of the Reform Bill a year or two previously. Lord Melbourne hoped that the public displays alluded to "would die a natural death." At a great "public meeting of the West Riding of Yorkshire," held on April 28th, on Wisby Moor, a memorial was adopted for the release of the Dorchester labourers, and two men were appointed to wait upon Lord Melbourne on May 6th. They went; they were received by some secretary or other official, after Lord Melbourne had himself appointed to meet them. They were then told that Lord Melbourne could not receive the memorial in its present form. But they reminded his lordship in a letter that he had had a copy of the memorial when he had made the appointment. In consequence of the agitation, the petitions, and the speeches of Sir William Molesworth and others in Parliament, Lord John Russell stated that "orders were forwarded that the Dorchester Unionists were not only to be set at liberty, but also to be sent back to England, free of expense and with every necessary comfort." So far all appeared to be well. The unions had succeeded, and it only remained to help the families left behind.

7. *Treatment of the Men "Reprieved."*—So satisfied were the unions with what had been done, as they supposed, that, with the exception of lists of contributions from time to time, and occasional references in speeches and newspapers, the fate of these men dropped out of notice for some years. Now comes a cruel sequel. The men had been hurried out of the country, to Hobart Town, Van Dieman's Land. Some were put to work with the chain-gangs on the roads, others on the Government farm. At the end of 1835 George Loveless had an offer from the Governor to send for his wife to settle in the colony—no mention of a pardon or release being made. Loveless refused to send for his wife and children so long as he was a prisoner. At last, however, he consented. He wrote on January 27, 1836. On February 5th he was sent for by the superintendent of police, when he was informed that, by the order of his

Majesty's Government, he was to be "exempted from Government labour, and he was to employ himself to his own advantage until further orders." This was nearly two years after his conviction and sentence, and a year and nine months after Lord John Russell's statement to Parliament. It was near the close of 1836 when Loveless saw a copy of the *London Dispatch*, in which it was announced that the Dorchester Unionists had been relieved. Loveless states "that orders were sent from the Home Government to work the Dorchester Unionists in irons on the roads," but the order had not been enforced by the Governor. The Hobart Town *Tasmanian* is responsible for this statement. Loveless did not know what had become of his companions, and therefore he addressed a letter to the editor of the *Tasmanian* with respect to the "free pardon," and asking whether the other five had been sent home, as Lord John Russell had said they would be.

8. *George Loveless and his Pardon.*—As a result of the publication of the letter in the *Tasmanian*, signed "A Dorchester Labourer," the Governor sent a letter to Major de Gillern, in whose service George Loveless was, to know if Loveless were employed by him, and stating that he, Loveless, was wanted at Hobart Town. The major told Loveless of the letter, but said nothing about his presence being required by the Governor. Loveless replied to the letter, and in answer thereto received one from the Principal Superintendent's Office, dated October 6, 1836, in which he was informed "that the reason of his Excellency wishing to see you is in consequence of the Secretary of State, when he sent the order for your free pardon, having authorised his Excellency to give you a free passage to England, and he therefore wishes to be informed whether you are willing to go back; in that case his Excellency will give you a free passage by the *Elphinstone*." Loveless wrote back to say that he highly appreciated the kind offer of his Excellency, and would gladly avail himself of the offer, but that he was placed in an awkward position. He

reminded his Excellency of the fact that he had been persuaded to send for his wife, and so far as he knew she might be on her way out, as months had elapsed since he wrote for her. He asked, therefore, that he might be allowed to remain until he saw her or heard from her. The answer to his letter was as follows: "George Loveless, in answer to your note, wishing to know if you could be allowed a passage to England, I have to inform you that, unless you go by the present opportunity, the Government will not be able to give you a free passage.—JOSIAH SPODE, 8th of October, 1836." This man, therefore, had been placed in this position: the Governor persuaded him to send for his wife, and before she could arrive was offered his passage home.

9. *Free Pardon: Return to England.*—Some eight or ten days later Loveless went to Hobart Town and called at the Colonial Secretary's office to explain his position. He was then blamed for not calling before. He explained that he did not know that he was wanted. The official replied that the letter was sent to Major de Gillern because they did not know his (Loveless's) address. "That cannot be," replied Loveless, "as the place called my home is registered in the Police Office, by order of the Governor." The official replied, "Well, the order is to send you back by the first ship." Loveless then said, "I think, sir, you have had a free pardon for me in your office some considerable time longer, before I knew anything about it, than I have delayed in coming since I have known of it." Ignorance of address was pleaded, but it was known, being registered in the office. Loveless further objected to be sent home as a prisoner, he then being a free man. The official then said, "Well, Loveless, what do you want?" He repeated his request to be allowed to remain until he heard from his wife, and to have something to show that he might claim a free passage to England. The official promised to draw up a memorandum, and let him know in a few days. On October 24, 1836, he received a letter from the Principal Superintendent's Office to say that his Excellency the Governor had con-

sented to his remaining in the colony until he heard tidings of his wife, and that a free passage home was complied with. On December 23rd Loveless received a letter from his wife declining to join him in the colony. He then wrote to the Colonial Secretary to that effect. As no answer was received, he went to Hobart Town on January 20, 1837. On calling at the office he was told that a letter had been sent to him care of Major de Gillern. A steerage passage was granted on the ship *Eveline*. On Monday, January 30th, he sailed, and arrived in London on June 13, 1837.

10. *Who were Responsible for Delay?*—Special attention has been given to the narrative of George Loveless because he it was who preserved a connected account of what passed, the narrative being published by the Central Dorchester Committee, London, September 4, 1837, when all the parties were still alive—the transported men, the four committing magistrates, the foreman of the grand jury, the jury, the judge, and the witnesses of the prosecution—all the names being given in full; also those of the seven chief Ministers of the Crown then in office as his Majesty's Government.<sup>1</sup> These, or any of them, could have answered the report if there had been misstatements of fact or exaggeration in respect of any of the events or circumstances. None were challenged. The serious question which arises is, Who was responsible for the delay in freeing these men, and safely landing them in England? Who gave the order for the men to work in chains on the road? Why was the free pardon withheld? It would seem that every effort was made to induce, almost to compel them to remain in the convict colony. Why? Was it lest their tale of wrongs inflicted would arouse public indignation in England, and evoke the wrathful power of the unions?

11. *Hammett's Story of a Convict's Life*.—Of James Loveless, brother of George, John and Thomas Standfield, brothers, and James Brine, very little is known, except that, when they could get away from the convict colony,

<sup>1</sup> The report, with additional particulars, was reprinted in 1875.

they went to Canada, where they prospered. This, at any rate, was the report in their native village so late as 1875. James Hammett, who was wrongly convicted, returned to England, and was welcomed as a hero and martyr in the cause of labour. In his speech at Briantspuddle, March, 1875, he was, he said, sold like a slave for £1. The convicts' names were written on slips of paper, the agents drew lots, each man at £1 per head. Hammett being drawn, the agent gave him the name of his master, told him the place where the master lived, and sent him on his way, four hundred miles, in a strange land, with provisions to last for twenty-two days to carry on his back, sleep where he could, and inquire his way as he went along. Weary and footsore, he reached his destination without a guide and without money, with only his meagre rations. He did not complain of bad treatment by his master, and, indeed, they all appear to have escaped flogging, though threatened from time to time. But one of the first things witnessed by James Hammett, after his three weeks' quarantine, was a stripped convict strapped across a barrel and there given seventy-five lashes: fifty on his bare back and shoulders and twenty-five on the calves of his legs—a lesson not to be forgotten. George Loveless also was a witness of many other cruelties, and suffered many himself, though he escaped flogging.

12. *General Review of the Case.*—The narrative of the six Dorchester labourers has exceeded in length what I had intended, but the story had to be told. The episode is a startling one in the history of labour. The issues involved were grave, the circumstances were exceptional, the prosecution was a travesty, the manner of conviction was almost unprecedented, the sentence was cruel, not to say savage, and the subsequent treatment of men as convicts, after they had received the king's pardon, was unparalleled in the history of the administration of criminal law in England. The horror of it all was intensified because of the fact that all these things took place after the Reform Act of 1832, under the authority of the

Reform Ministry, the chiefs of which sanctioned popular gatherings of the unenfranchised masses as a stepping-stone to power ; and, above all, that it should have occurred eight years after the repeal of the Combination Laws, under "popular government" with representative institutions.

## CHAPTER X

### FURTHER GROWTH OF UNIONISM—EMPLOYERS' FEARS —INQUIRY IN 1838

**S**TATESMEN, so called, are, as a rule, notoriously ignorant of the teachings of history, or they are too egotistical to accept and apply them. There is one lesson of all others as to which history is, I think, unanimous, namely, that persecution is the seed-bed of popular revolt. Repression, as a general rule, fails in the end, at great cost of blood and treasure. Persecution evokes enthusiasm, nerves men to heroic deeds, and sustains them in danger, in suffering, in torture, and at the stake. This is as true industrially as it is politically; all admit the truth as regards religious persecution. And yet statesmen rely upon repression to secure their ends. There is a point where prosecution becomes persecution; it was so in the case of labour. The success of those methods may be estimated by comparing the cause of labour a century ago, seventy-five years ago, fifty, forty, or even thirty years ago, with the position of the labour movements of to-day. Lord Melbourne is a notable instance of obliviousness to the lessons indicated, or he utterly disregarded what they taught. His principal biographer, my old friend, W. M. Torrens, says: "He had no enmities and no enemies. Rancour was foreign to his nature, and lasting resentment, no matter what the provocation, had not a hiding-place in his open heart."<sup>1</sup>

<sup>1</sup> "Memoirs of Viscount Melbourne," new edition revised, 1890, p. 349.

This may be true as regards persons, but certainly not as regards concrete bodies and the individuals who represented those bodies. He might have had no rancour against the six Dorchester labourers personally, but against trade unions, and those who represented unionism, his resentment not only had a hiding-place, but it was perpetual, insatiable.

1. *Design to Re-introduce Repressive Legislation.*—It is necessary to go back a few years in our review. The facts here given, and those previously recorded, seem not to have been known to Lord Melbourne's biographers, or to the historians of the period, or else they ignored them. In either case the omission is indefensible. One is tempted to believe either that the truth is suppressed, that false issues are suggested, or that the writers were ignorant of most important matters connected with Lord Melbourne's life as Home Secretary and Prime Minister of England. It appears that so early as November, 1830, a few days after he had received the seals of office as Home Secretary, Lord Melbourne consulted Mr. Nassau W. Senior and requested him to inquire into combinations and strikes, to report on the state of the law, and to suggest improvements in it. Mr. Senior was a political economist, but not a lawyer, and he requested the assistance of a lawyer, and thereupon Mr. Tomlinson was appointed to act with him. Questions were circulated and witnesses were examined, and in 1831 a report was sent in to the Home Office, "which," Mr. Senior naïvely says, "must still be in the archives of the Home Office."<sup>1</sup> We have no information as to the questions circulated, to whom they were sent, or who were the witnesses examined by this secret commission of two persons. But Mr. Senior tells us that, as Commissioner in 1841, "on the condition of the hand-loom weavers," he introduced into the report "the most material portions" of the joint report of Mr. Tomlinson and himself on combinations and strikes. This is important, because a Select Com-

<sup>1</sup> See "Historical and Philosophical Essays," 1865, vol. ii., "Combinations."



mittee was appointed to inquire in 1838, but such report was not then given; it was reserved for another three years, making ten years from its date.

2. *Lord Melbourne's Attitude in 1830*.—It is important that an outline of those "most material portions" should be introduced here, for two reasons: (1) Because that report made in 1830 seems to have not only influenced but practically governed the policy of Lord Melbourne during the whole time he was in office; (2) because a reference to it at a later date would be useless and out of place and not even pertinent to the inquiry of 1841.

3. *Inquiry by Mr. Senior*.—The spirit in which the inquiry was conducted by Mr. Senior in 1830 is obvious from his observations in publishing that report, in his own name, in 1865, at a period, too, when a further attempt was contemplated of interfering with, even of "stamping out the unions." Mr. Senior says: "The law remains as defective, the combinations are as tyrannical, as unresisted, and as mischievous as they were in 1831. I still believe that the remedies suggested by us would be useful, perhaps effectual. I still cherish the hope that a Home Secretary will be found wise enough and bold enough to grapple with this tremendous evil."

4. *Synopsis of Report of Messrs. Senior and Tomlinson*.—(1) In the outset they say that "the object of combinations among workmen is the increase of wages and the general improvement of their condition, and they have adhered to them for many years, at the expense of great and widely-spread suffering, at a sacrifice of individual liberty, such as no political despotism has ever been able to enforce, and with a disregard of justice and humanity which only the strongest motives could instigate." This is not true, even of the years covered by the two inquiries, in 1824 and 1825, as the evidence shows. Even if true, the conduct of employers was certainly equally bad. The revolt of the workmen was an effect of bad conditions, not the cause of them, nor of the "widely-spread suffering" which was endured.

(2) They further say: "With few exceptions, the

tendency of combinations has been precisely the reverse of their object, . . . and they have led to the positive deterioration of the wages, and of the condition of those engaged in them, and of the numerous body who are excluded from them." Not true again. The complaint of employers, in their evidence, was that the unions had increased wages, in which view workmen concurred. The latter also knew that the conditions of employment had improved.

(3) With respect to the four "purposes of combinations," only one can be said to be fairly stated, namely, the third: "Raising wages, or, what is the same, preventing their fall." Trade unions never have contended for "equal wages" for all employed in the same trade. The contention was, and is, for a minimum or trade-union rate—not absolute uniformity. This contention is now generally conceded. The two other "purposes" named were not even then entertained in the manner stated in the report.

(4) The references to intimidation and outrage are of cases antecedent to the repeal of the Combination Laws, and therefore ought not to have been introduced with the view of supporting a Whig Government in an attempt to undo what the Tories had effected, namely, the repeal of the Combination Laws, by the re-enactment of those laws, or by enacting more stringent provisions than those in the existing Act of 1825.

(5) Various paragraphs relate to methods of organisation, contributions, management, rules, and to the means adopted to attain the objects aimed at. These need not be recapitulated, as, with the exception of taking an adverse view of the objects and means of trade unionism, the paragraphs in question simply represent the employers' attitude at that period.

5. *Suggestions for Changes in the Law.*—(1) As a preface to their suggestions they state general principles as a basis of law—rights of property, individual liberty, protection from violence and intimidation. The only objection to those observations is that they seem to pre-

suppose evil intentions only on the part of workmen ; employers are not even referred to. The report goes on to state that "the law of England, as respects combinations," has not given the protection which was needed ! Really ! What of the Combination Laws and the other series of enactments set out in Chapters III., IV., and V. of the present work ? If the legislature "left undone almost all that ought to" have been done, whose fault was it ? Not the Government, not Parliament, not the administrators of the law, not the employers.

(2) The report continues : "The Common Law of England considers all conspiracies as misdemeanours, and, on indictment and conviction by a jury, as punishable by fine and imprisonment," &c. "It includes, under the general head of conspiracy, all confederacies where either the purpose or the means are unlawful, whether the object be to effect a lawful purpose by unlawful means, or an unlawful purpose by any means whatever." After referring to some well-known cases, the report continues : "The instant the labourers or the masters attempted to make common cause, the instant the members of either body agreed to support one another in their requisitions, the law held the purpose of the agreement to be prejudicial to third persons, or injurious to trade in general, and therefore an unlawful agreement—a conspiracy, and therefore a misdemeanour—and the parties engaged in it might be indicted either as having conspired among themselves, or together with parties unknown !"

(3) Further : "It did not matter whether the acts by which the objects of the agreement were to be effected were or were not in themselves unlawful. The crime consisted in the agreement itself, and an indictment might be sustained by simply proving the agreement ; without showing that a single act had been done to carry it into effect ; or by proving various acts done by the parties tending to one common end, from which a common design, and an agreement to effect that design, might be inferred." The report shows how the monstrous doctrine here indicated was applied to labour disputes, by including

in such indictments the Common Law doctrines, as well as specific enactments by Parliament, in the charges against those prosecuted. Thus "the Common Law erected into crimes acts in themselves perfectly innocent, and subjected the acts to punishment." Even the authors of the report condemn the use of such expedients to mete out "far severer punishment to persons in combination to raise wages," than to actual crimes.

(4) The remainder of the report deals with the Acts in force prior to 1824; with the provisions of that statute, with its repeal, and the substitution therefor of the Act of 1825; also the differences in the provisions. Mr. Senior assumes that the repeal of the Common Law in 1824 was intentionally absent from the Act of 1825, though the words: "persons meeting" or agreeing "as aforesaid, shall not be liable to any prosecution or penalty for so doing, *any law* or statute to the contrary notwithstanding," would seem to imply that the Common Law was included, though it was not mentioned. It was a bit of legal jugglery to substitute such words; one might be pardoned for suggesting that a trap was laid for unwary workmen.

6. *Result of the Inquiry in 1830.*—The value of the secret inquiry, as a means of enabling the Whig Ministry to introduce fresh legislation of a repressive character, is shown by its limited scope and ultimate results. The Commission was restricted to two men, one of whom at least was notoriously prejudiced. It was one-sided and inadequate. There is no available report of the evidence obtained, and the Commissioners' Report thereon was never officially published. It was used, however, in two subsequent inquiries—in 1838 and 1845.

7. *Extent of the Inquiry.*—Mr. Senior rightly states that the "inquiries were directed almost exclusively to Ireland and Scotland . . . and scarcely extended beyond Dublin, Belfast, and Glasgow." He gives some extracts from the evidence to show that the unions tried to prevent men working under conditions which were regarded as disastrous to labour. He even introduces extracts from

the "First Report of the Constabulary Commissioners" to support his view. Upon the extracts selected he bases various conclusions, which he formulates into a series of paragraphs on theories of wages, of supply and demand, &c., and he deprecates alike workmen's combinations to advance wages or to resist reductions, and the alliance of employers and operatives to compel other employers to pay the recognised rates.

8. *Authorship of Draft Report.*—Those paragraphs, and others given by Mr. Senior, were evidently drafted as a report. It is usual for a report of a Select Committee to be drafted by the chairman; this one was drafted at the instance of Lord Melbourne, with the authority of the Government. That it was drafted by Mr. Senior is certain—to whom was it submitted, by whom approved? There was no Committee to whom it could be referred, and no authority to sanction its publication. Nevertheless it saw the light in 1865, by Mr. Senior's own authority.

9. *Select Committee's Inquiry in 1838.*—The growth of trade unionism from 1833, and especially the impetus given to it by the prosecution of the Dorchester labourers in 1834, and the agitation which followed thereupon, seems to have again caused a flutter in the dovecote of the Whig Ministry. True to his old prejudices, and to the instinct which in 1830 led him to contemplate the undoing the legislation of his predecessors in office, the Tories, in 1824 and 1825, Lord Melbourne appointed a Select Committee "to inquire into the operation of the Act 6 Geo. IV., c. 129, and generally into the constitution, proceedings, and extent of any trades' unions, or combinations of workmen, or employers of workmen in the United Kingdom, and to report their observations thereon to the House." This was done on February 13, 1838, and, on June 14th the evidence was reported to the House.<sup>1</sup>

10. *Extent of Inquiry and Evidence.*—The Committee

<sup>1</sup> See Chap. XI. par. 1 as to origin of inquiry, evidence, and attitude of trade unions.

sat on eleven days, and examined fifteen witnesses. Of the witnesses examined seven were employers, five were operatives, one a lawyer, one Sheriff of Lanarkshire, and one a Manchester magistrate. The preponderance of evidence was as ten capitalists to five operatives. As is usual in such inquiries, the evidence of employers and others was flatly denied by the operatives, and *vice versa*. The evidence was mainly from Glasgow and the surrounding districts, from Belfast, and some from Manchester and district. It is needless to go through the evidence *seriatim*. Cases of intimidation were alleged, and denied; the cases apparently proved mostly took place anterior to 1825, those of later date were not important. The operatives had in their favour Mr. Hindley, Mr. Hume, Mr. Crawford, Mr. Wakley, Mr. Poulett Thompson, and later on Lord Ashley. Sir Henry Parnell was an efficient and impartial chairman.

11. *The Common Law as a Weapon in Labour Disputes.*—Mr. Senior, in his draft report, states that the 6 Geo. IV., c. 129, revived the Common Law against combinations, with the exception of agreements among persons present at a meeting, &c.: "All other combinations and agreements to the prejudice of third persons are still conspiracies, and, on indictment, punishable at the discretion of the court by fine and imprisonment; in case of assault in furtherance of a combination to raise wages, the court can, under 9 Geo. IV., c. 31, § 35, add hard labour for any term not exceeding two years." He was desirous that this fact should be specially known. He says: "It seems to be supposed that combinations are not punishable unless accompanied by violence, intimidation, or molestation." "This," he says, "is true as respects statutory punishment, but not as respects the far heavier punishment awarded by the Common Law." After alluding to acts so punishable, he adds: "In fact there is scarcely an act performed by any workman as a member of a trade union which is not an act of conspiracy and a misdemeanour." Surely this ought to have sufficed even for a political economist like Mr. Senior or a Minister like Lord Melbourne.

12. *Increase of Penalties under Act of 1825.*—He notes that, besides reviving the Common Law, the 6 Geo. IV., c. 129, increases punishment from two months to three months, “and enables a conviction on the oath of a single witness.” He then seems to demur to the provision which “gave to the party convicted an appeal to quarter sessions,” a section which he quotes.

13. *Suggested Modification.*—He goes on to say: “We recommend that the statutory process and penalties be extended to some acts now subject only to the severe punishment, but inconvenient process, of Common Law.” He adds: “We further recommend that some acts be declared punishable the criminal character of which has not yet been distinctly recognised!” This, after his declaration that all acts by a trade unionist is a “conspiracy and a misdemeanour.” Mr. Senior’s notion of force is noteworthy.

14. *Arrest Without Warrant.*—It is further recommended that persons offending shall be seized by any one “without summons or warrant,” to be carried “before a justice,” and there compelled “to give their names and addresses.” Refusal to do so to “be a distinct and cumulative offence.” Further, “that the justices have power to convict and punish without naming the convict, identifying him by description or otherwise.” Thus, we now see how James Hammett was accused and convicted, though innocent, in 1834.

15. *Rejection of Report by Select Committee in 1838.*—No wonder that the Select Committee of 1838 rejected such a report, or that they separated without report, or even so much as a remark upon the evidence. But the intention of the Government, or at least of the Home Secretary, is painfully evident in this draft report, the main principles of which were in the report presented in 1830–31. It seems almost impossible that such recommendations should have been made so late as 1838, and that too, apparently, with the implied sanction of a Minister of the Crown—the Home Secretary, at whose door lies the deplorable injustice done to the six poor

Dorchester labourers. And parts of this rejected report appears in the Report of 1841 on the Hand-loom Weavers, three years after the inquiry in 1838 ! I am glad to be able to rescue it from oblivion, and to reproduce the main portions for the delectation of the present generation.



## CHAPTER XI

### LABOUR MOVEMENTS IN THE FORTIES, POLITICAL AND INDUSTRIAL

MORE space has been devoted to the case of the Dorchester labourers, and to the "Inquiry into the Operation of the 6 Geo. IV., c. 129, and the Constitution and Proceedings of Trades' Unions," in 1838, than was originally intended. Not, however, more than those important subjects deserve. They were indeed the turning points in later industrial history. The action taken gave a stimulus to the organisation of labour, and drew labour unions closer together with the view of mutual support, either when attacked by the Government or by prosecutions, or when any one union was endeavouring to advance the interests of its members by increase of wages or otherwise. Trade unions had obtained certain concessions under the Act of 1825, and they utilised these to the utmost, in spite of numerous risks, known and unknown. Publicity gave them strength—and also importance. They, moreover, found some staunch supporters among the middle and wealthier classes, not because these concurred in all the methods resorted to, or even in all the objects aimed at. But they regarded publicity as preferable to secrecy, and liberty of action to tyrannical suppression. There was also a wider franchise than existed previously to 1832, and, although the working classes were still, for the most part, non-voters, the appeals at the hustings gave them a power of expression, if only by cheering, hooting, and holding up of hands ;

these things influenced politicians when they appeared as candidates, to solicit the suffrages of "the free and independent electors" in the various constituencies.

1. *Working Men's Association and Chartism*.—A newer influence had arisen among the working classes since the agitation over the Dorchester labourers, and the fuller development of trade unionism in the early thirties. The London Working Men's Association was established in June, 1836. Its objects were mainly political, and it subsequently gave rise to the Chartist movement. It was the Working Men's Association which formulated the resolutions which formed the basis of and ultimately drafted "the Charter." The organiser and ruling spirit for some time in that movement was William Lovett, by occupation a cabinet-maker and a trade unionist. When the proposal was publicly made for the inquiry relative to trade unions in 1838, he was elected secretary of the "Combination Committee" appointed by the trades of London, its object being to secure a thorough investigation of the subject by the Select Committee. In a letter to the *Northern Star*, on the eve of that inquiry in 1838, Mr. Lovett lays bare the devices of those who took part in promoting it, and indicates the object. In that letter he accuses Daniel O'Connell of being the cause of extending the inquiry to Ireland, especially as regards the Dublin trades. He avers that O'Connell strove to keep back, as far as possible, trade union evidence, such as the "Combination Committee" was prepared to tender. He speaks of Mr. Hindley and Mr. Wakley as the two members of that Committee upon whom the men mainly relied to see justice done.<sup>1</sup> They, however, fell ill, and were not always present. His version of the story, told by one who knew, shows how narrowly the unions escaped from the danger to which they were then exposed.

2. *Attitude of Chartism towards Labour*.—The Chartist movement grew rapidly. From small beginnings, on

<sup>1</sup> See "William Lovett," an autobiography, 1876, pp. 158 and 159.

June 9, 1836, when, "at a meeting of a few friends at 14, Tavistock Street, Covent Garden," Mr. W. Lovett proposed the formation of the Working Men's Association, it soon developed into an agitation which spread throughout Great Britain, and became at once the hope of the masses and the terror of the governing classes. It does not come within the scope of this work to trace the history of that movement or to discuss either its principles, policy, or the means adopted by the Chartist body to attain its ends. It was a political organisation for political purposes, but it sought, by means of "the Charter," to improve generally the condition of the working classes, industrially and socially, by and through their enfranchisement and the power and influence of a Parliament elected by the masses of the people. Naturally the Chartists sought to obtain the support of trade unions, and a few of them did actually ally themselves to the Chartist Association. As a rule, however, they kept apart from that body, as unions. But as individuals, members of various unions, were also Chartists, hence in the public mind they were regarded as one and the same. This arose from two circumstances—(1) the concurrent movement for the extension of factory legislation, and (2) the proposals of the Chartists for a universal strike.

3. *Factory Legislation and Chartism*.—The agitation for an extension of the Factory Acts, which developed into the demand for a Ten Hours' Bill, was altogether independent of the Chartist movement. The originators and chief supporters of that measure had little sympathy with Chartism. Many of them were Tories, some were Whigs, others cared little for politics. The Chartists generally supported the demand for ten hours and other improvements in factory legislation, but they contended that a Chartist Parliament would give what was required by factory operatives, and more. The divergence was so great that at times the respective supporters of factory legislation and of Chartism came into conflict—each fiercely denounced the other. But in both movements there were to be found men who fraternised, believing

the objects to be good and that there was no need of variance, no justification for recrimination or opposition. The workers cared very little about the differences of their leaders—they wanted both factory legislation and the Charter. Hence in the great Chartist demonstrations in all the chief centres of industry, especially so in the textile districts of Lancashire, Yorkshire, and the Midlands, the operatives assembled in tens of thousands in support of both movements.

4. *Proposed Universal Strike*.—The proposal for a universal strike came from the more ardent section of the Chartist advocates as the quickest and surest means for obtaining the Charter. William Lovett opposed the scheme from the first, as did some others. But the proposal was adopted, and in some of the manufacturing districts the workers fell in with the idea and espoused the cause. In what cases and to what extent the governing bodies of the unions—council, executive, and officials—supported the suggested universal strike there is no means of knowing, as the minutes of the societies are not available. The one fact certain is that there was no universal strike—not even a general strike; some great but partial strikes took place, however, with disastrous results. The Unions, as a rule, in their corporate capacity, were averse to the proposal, and refused their sanction.

5. *Strikes against a Foreman*.—Strikes were not so numerous in the forties as in some other decades, but a few took place of some importance. There was one at the new Houses of Parliament in 1841–2, the dispute being as to the conduct of a foreman of masons. The men alleged (1) that he endeavoured to compel them to take beer from a particular public-house, supplied by a potman daily; (2) that when the men refused to buy the beer the foreman locked up the pump so that they should not get water to drink; (3) that masons were compelled to sharpen their tools and purchase certain tools from a particular firm; (4) that the conduct of the foreman in question was coarse, brutal, profane, and grossly tyrannical. The contractors admitted that there was “an

understanding between them and the brewers" as to the supply of beer. That was an obvious evasion of the Truck Act. The contractors made concessions, and for about six weeks matters went smoothly. Then the foreman began to harrass the men who had made complaint, had spoken at public meetings where his conduct was condemned, and who had been concerned in deputations to the firm. These he discharged; eventually the men struck work on September 11, 1841. The strike continued till May 25, 1842—nine months. The men were unsuccessful in getting rid of the foreman, but the strike delayed the completion of the Houses of Parliament for several months, and also of the Nelson Column in Trafalgar Square. There was no case of intimidation or other breaches of the law during the strike. The total cost of the strike was estimated at about £15,000, towards which other branches of the building trades subscribed £3,500. The number on strike was about four hundred, "only five of whom went in," according to the official report.

6. *Strike for Shorter Hours on Saturdays.*—There was another strike of masons at the new Houses of Parliament, the object being cessation of work at four o'clock on Saturdays. This was supported by all branches of the building trades. It was the first great strike recorded for shortening the hours of labour. By custom and otherwise the ten-hours' day, or sixty hours per week, was regarded as a kind of Heaven-ordained law—that is, in trades where longer hours were not customary. In many industries, however, the hours were much longer, in some they were indefinite. Leaving work at four o'clock on Saturdays only meant a reduction from sixty to  $58\frac{1}{2}$  hours. The demand was resisted, but the men were eventually successful. The men desired to secure the shorter day for all branches. Messrs. Cubit, Baker, Peto, and others were cited by the leaders as being favourable to the change; the men therefore pressed other building firms to grant the concession. The two most important strikes took place at the Army and Navy Club House in Pall

Mall, and at the Coal Exchange—both by the same builder, Mr. Tregoe, in 1848. The men pleaded that most of the master builders had by this time conceded the four o'clock, but Mr. Tregoe refused to give way, and the strike continued.

7. *Indictment for Conspiracy.*—In connection with that strike twenty-one masons were indicted for conspiracy. The proceedings lasted for months owing to delays, postponements, new pleas, and what not, the costs being very considerable. The employer offered to withdraw from the prosecution if the men would apologise and give up their demand for the four o'clock on Saturdays, but the men refused. At last the prosecution was abandoned unconditionally, for the men refused to budge from the position they had taken up. The men indicted demanded trial, and this apparently the employer hesitated to face. No decision of the court is therefore available in this case.

8. *Shorter Hours on Saturdays Conceded.*—Other than those alluded to, the strikes for the four o'clock on Saturdays were unimportant. Gradually it was conceded by employers without much resistance. Perhaps the earlier closing on that day was as agreeable to employers and foremen as to the operatives. But it took some years to secure it generally throughout the country. In some cases employers, not of the better sort, rendered the boon valueless by withholding the wages until a late hour, the payments being made at public-houses. This led to drinking, discontent, and quarrels, which in some instances continued throughout the fifties, for bad practices die hard. Respectable employers did not resort to this. The system was confined mainly to sub-contractors and jerry-builders, and these at that period were numerous in a great many districts. The principal contractors and master builders generally paid promptly on the large jobs or at their counting-houses, according to circumstances.

9. *Advances in Wages in the Forties.*—During the forties a determined effort was made in London to

ensure for mechanics and artisans a minimum wage of 5s. per day, or 30s. per week. There was no uniform rate, but from 4s. 6d. to 5s. per day was regarded as the usual rate in London; of course wherever possible the lower rates were tendered. Strikes to enforce the minimum rate of 5s. were numerous, but not of importance. They were, as a rule, local, often confined to one firm or job. The larger firms conceded it without much trouble, but jerry-builders held out as long as they could. Manchester and Liverpool usually followed in the wake of London as regards wages, but in some respects, as, for example, "walking time" and codes of working rules, they were ahead. Other important towns were brought more or less into line as time and circumstances permitted.

10. *General Union in the Printing Trades.*—In 1844 there was some activity among the printing trades, which resulted in a union of the various local societies in January, 1845. The new body thus formed was called the National Typographical Association. It consisted of a central board, or managing body, with five district boards: (1) Scotland, eight local unions or branches, 800 members; (2) Ireland, eleven branches, 569 members; (3) Midland, twenty-two branches, 714 members; (4) South-western, twelve branches, 237 members; and (5) South-eastern, seven branches, 2,000 members; total, 4,320 members. The objects of the Association were uniformity of trade usages, number of apprentices and boys in proportion to journeymen, and generally the prices to be paid for labour. Some twenty-six cases of dispute were recorded in the first half-year of its existence, and twenty-five in the second half. A strike took place in London against a reduction in the price per 1,000 for certain work; after a month's struggle the employers gave way. In Scotland also there was a similar attempt, but after six weeks' resistance the employer in the case yielded. The income for the year was £4,099 5s. 2d., the expenditure £2,111 11s. 11d., thus leaving a good balance in hand.

11. *Disputes and Dissolution of the General Union.*—In March, 1846, a delegate meeting was held in London, at the suggestion of the London Society, to consider the question of apprentices in proportion to journeymen and the employment of boys. Certain regulations were agreed to by the Conference. There were 136 disputes in 1846, one being in London, with respect to the apprenticeship regulations. In December, 1846, thirty-eight employers in Edinburgh combined to break up the Association, and succeeded in so far as Edinburgh was concerned. Other circumstances arose which led to the dissolution of the Association in 1847. In June, 1849, the Provincial Typographical Association was formed—London, Manchester, and Birmingham having each an independent union.

12. *Federation of Trades.*—In 1845 was formed the “National Association of United Trades.” “The Grand National Consolidated Trades’ Union” of 1834 had passed away. The new Association was a federation as a matter of fact, and was not intended to supplant local or general unions, or interfere with their internal management or policy. This is specifically stated in the preface to the Rules. Its object was “to form a common centre . . . for mutual assistance and support in case of need.” The constitution provided for affiliation, representation, payments, annual conferences, and special sessions, as may be required. It started the *Labour League* as its organ, the first number appearing on August 5, 1848. It existed nearly a year. In its columns are to be found reports of trade and labour movements in 1848 and 1849, including the masons’ strike, and the prosecution for conspiracy; the strike of mechanics and others on the London and North Western Railway; the prosecution of Sheffield workmen, and their sentence to transportation; the rise of the movement in the engineering trades as to overtime, &c., which ultimately led to the formation of the Amalgamated Society of Engineers. Here also will be found reports respecting the agitation by the factory operatives for the



Ten Hours' Bill ; the attitude of trade unionists and Chartists towards the Free Trade movement, and many articles of value on the subjects of the day. The "National Association of United Trades" continued to exist until 1867, but in its later years it devoted itself mainly to the promotion of a measure for Conciliation in labour disputes, first promoted by Mr. Mackinnon, and afterwards carried by Lord St. Leonards, as the "Conciliation Act, 1867."<sup>1</sup> Mr. Thomas Winter was the secretary of that Association.

13. *A Question of Rattening and Conspiracy.*—A case of very considerable interest is reported in the *Labour League* at some length, at intervals over several months—namely, that of Drury and Others v. the Queen. John Drury and three others were prosecuted for alleged rattening and conspiracy, and were sentenced to seven years' transportation. The trades took the matter up, as the prosecution was at the instance of the "Association of Sheffield Masters." The men were convicted upon the evidence of two convicts, who had really committed the offences charged against those named, but who, it was alleged, had been promised a remission of the sentence if they would give evidence against Drury and his fellow-workmen. They did give evidence, and soon afterwards their sentence was reduced very considerably. After much delay, and a long imprisonment, the case was re-tried, on a writ of error, before Lord Chief Justice Denman, Mr. Justice Patteson, Mr. Justice Coleridge, and Mr. Justice Wightman, when the judgment was reversed, and the prisoners were ordered to be discharged. Then a new indictment was preferred against them, and they were still longer detained in gaol, but the case broke down and a verdict of not guilty was returned. They, however, had no remedy. They had only the consciousness of innocence to sustain them in their trial, and the sympathy and support of their fellow-workmen in the country. The prosecution, conviction, and sentence evoked a good deal of feeling, and some severe criticisms were passed

<sup>1</sup> See Chap. XL. par. 9 ; also Chap. XVII. pars. 18 and 19.

upon the Sheffield masters, and even more severe condemnation of the witnesses upon whose evidence the men had been convicted. It was another attempt to stamp out unionism by the long and strong arm of the law.

## CHAPTER XII

### LABOUR MOVEMENTS—PROGRESS IN THE FIFTIES—I.

#### *The Engineers and Cotton Operatives.*

CONSIDERING all the difficulties of the situation, the working classes made great progress in the organisation of labour during the first twenty-five years after the repeal of the Combination Laws. Their action was restricted by legal enactment, and it was not without serious risk that they attempted to build up associations in the furtherance of their views for their mutual benefit. As we have seen, trades unions were, in a sense, lawful; but the means by which they sought to accomplish what was desired, were declared to be, in most instances, unlawful. Hence great prudence and watchfulness were required; it also needed a certain amount of daring on the part of leaders and men. The Corresponding Societies Act, 1798–9 (the 39 Geo. III., c. 79) was still in force—it is not even now wholly repealed; some of its most objectionable sections still remain. Friendly societies were only exempted from its provisions in 1846. In spite of that Act, however, the workmen dared to disregard its provisions and risk its penalties. “The Grand National Consolidated Trades’ Union,” of 1833–5, and the “National Association of United Trades,” of 1845–67, were unlawful under that Act. So also were the two typographical associations referred to in the last chapter. There were many trade unions with branches, or lodges, which could perhaps have been

suppressed if the Act had been rigidly enforced. Happily it was not.<sup>1</sup> Most of the unions were local, confined to the particular trade or branch of trade represented. They were indeed in many cases merely sectional. (The tendency of late years, for half a century now, has been to amalgamate or federate in order to concentrate their power ; whereas formerly, under stress of law, the policy was isolation ; their forces were weak, because diffused.)

1. *Formation of Amalgamated Society of Engineers.*—In 1848 the “mechanics,” as they were called, conceived that it was desirable to put a limit upon “systematic overtime,” a practice then general, but without extra pay beyond the normal rate. Several meetings were held in London, and in 1849 the agitation had extended greatly, both in the metropolis and in the provinces. The proposal was that all sections in the engineering industry should co-operate with the view of attaining their desire. In 1850 there was a further development, the idea being that all sections—smiths, turners, fitters, pattern-makers, millwrights, &c.—should combine and form an amalgamated union. After much agitation, many meetings throughout the country, and a good deal of local negotiation, a large number of the unions consented, and thus was established the “Amalgamated Society of Engineers.” The new society was an advance upon most other unions at that date ; it provided a number of provident benefits — sick, superannuation, accident, funeral, and donation, as well as strike pay. Donation, or out-of-work benefit, was not wholly new, for the Typographical Association provided it in certain cases, and a few other unions. The Engineers consolidated benefits as well as amalgamated local societies. The union became, what it still is, the best benefit society in the world, by reason of its many provident benefits, quite apart from its power and influence as a trade union, in matters relating to labour. The Amalgamated Society of

<sup>1</sup> By the Act of 1846, the 9 and 10 Vict., c. 33, proceedings could only be taken in the name of the Law Officers of the Crown.

Engineers became a model union, an example to be imitated. Since that date a number of great unions have been constituted on similar lines. The two chief pioneers in that movement were William Newton and William Allan, the latter being the General Secretary for many years ; both were splendid specimens of labour leaders—honest, upright, fearless, but always prudent in speech and action.

2. *The Engineers' Strike and Lock-out, 1852.*—The Amalgamated Society of Engineers publicly proclaimed itself as a society with branches. In the first year, 1851, it had 121 branches, with an aggregate of 11,829 members. Its income was £22,807 8s. 8d. ; its expenditure £13,325 ; balance in hand £21,705 5s. But the struggle for the abolition of "systematic overtime" began before the society had time to effectively organise its strength. The men were beaten ; the employers insisted upon a "character note" and repudiation of the union. In the two latter matters the men were able eventually to score a success. The union survived and flourished, and has continued to flourish to the present time. In the first six months of 1852 the Engineers' Society spent £63,553 15s. 8d., reducing its balance to £1,721 os. 1d., yet only losing 212 members ; but there was a further decline of 1,880 in the second half of that year. By the end of 1854 the numbers were 11,617, the same as in June, 1852. The story of that strike has been so well and fully told elsewhere that there is no need to retell it in these pages.

3. *The Preston Strike, 1853.*—Before the echoes of the engineers' strike and lock-out had died away, Lancashire was in the throes of a struggle by the Preston strike, in 1853. There had been no strike of consequence in the town since 1836. At that date 660 spinners struck for an advance in wages, thereby throwing idle some 8,000 weavers and others. The strike lasted thirteen weeks, when the operatives accepted the employers' terms. The union continued to exist, and also the Employers' Association, the latter taking cognisance of wages and other

disputes up to 1846, after which it was inactive, though never formally dissolved. In 1847, a year of great distress, the wages of the operatives were reduced 10 per cent., without resistance.

4. *Wages Movement in the Cotton Trades.*—In April, 1853, trade having revived, the spinners and self-acting minders sent a requisition to the employers asking that the 10 per cent. should be restored. Some employers granted the advance promptly and willingly, others partially, some refused, or took no notice of the requisition. A few isolated strikes took place, but these were speedily arranged. By the end of May an organised agitation was set on foot for the “unconditional” advance of 10 per cent., as some employers made it a condition that the operatives should not subscribe to a trade union. The movement had by this time extended to most other districts—Blackburn, Bolton, Stockport, with Preston being the chief centres. On June 5th a delegate meeting was held at Bolton, followed by a meeting at Preston on the 9th, when a circular to the employers was adopted. At this time 7,000 operatives were on strike at Stockport for the 10 per cent., but they offered to submit the question to arbitration, or take an average of the wages given within a radius of ten miles around Manchester. The employers refused the last, but offered to take an average of the entire trade. In the latter case the advance would have been less than 10 per cent., as in some districts wages were lower than in the Manchester district. In August the Stockport employers conceded the advance, rather than see their mills idle any longer. At Blackburn, also, terms had been arranged for the most part, and it was thought that the dispute would cease by a general concession all round.

5. *Issues Narrowed to Preston.*—The success elsewhere narrowed the issues to Preston. On August 14th a meeting of delegates resolved to make that town the battle-ground, and to concentrate their energies and means upon it. The Preston operatives, at a meeting held on the 22nd, agreed with the decision of the dele-

gates, and committees were formed to conduct the strike. According to the *Preston Guardian*, August 27, 1853, at all the mills in Preston and its neighbourhood, except five, the spinners were working at the advanced rate. Notices were then served upon the five mills; one firm in the course of a week conceded the advance, leaving only four to be dealt with. The strike was precipitated by an unfortunate misunderstanding with one firm, whose concession of the advance had been notified. When the prices were worked out there was a difference of over 2 per cent. in the amount in one case and of over 1 per cent. in the other. Want of faith was urged on the one side, and of a mistake on the other, but the weavers, among whom were 380 women, turned out, no satisfactory reasons being given on either side. The employers alleged that they were driven into combination by reason of the attitude of the delegates of the operatives; but it was proven that the Masters' Association, which had been dormant since 1846, was formally revived, extended, and organised on a new basis in March, 1853, whereas the Operatives' Committee for supporting the Stockport operatives was only formed in Preston on June 16th, and the Preston Committee for obtaining the 10 per cent. was only organised on August 29th. These dates demolish the employers' plea; but it may be urged that the masters foresaw what was coming, and acted accordingly. The employers issued an address on September 15th, signed by thirty-seven associated firms, including those with whom the dispute was pending, as well as others by whom the advance was said to have been given. The resolutions of the employers, dated March 18th and 31st respectively, are important on this point.

6. *The Preston Lock-out.*—The employers' manifesto of September 15th announced a lock-out of all the operatives until those on strike resumed work. The members of the Employers' Association entered into a bond of £5,000 to keep faith by each other, and to stand by the resolutions agreed upon. It has been suggested that this bond violated 6 Geo. IV., c. 129, and also, being in

restraint of trade, was an offence at Common Law. One master who attempted to evade the bond was threatened with the penalty, but the case never came into court. At the date of the lock-out the weavers were on strike at four mills, and at four others the spinners' notices were within one week of expiring.

7. *Prosecutions for Intimidation.*—Upon the lock-out notice appearing a great meeting was held in the "Orchard." The operatives intended to make it a demonstration, with bands and banners, but the magistrates forbade any such display, and the operatives submitted to their authority without resistance. During the first week some lads were prosecuted for intimidation and sentenced to imprisonment. The decision of the magistrates was appealed against, whereupon the prosecutions were abandoned. The magistrates then prohibited all open-air meetings after sunset. In this they were within their rights under old enactments, but the operatives regarded the action as an uncalled-for interference.

8. *Attempts to Settle the Dispute by Arbitration.*—Efforts were now made to avert a continuance of the struggle. The Cotton Spinners' Committee proposed a conference with the Employers' Committee, but the reply of the latter was that they did not recognise the Spinners' Committee nor their right to interfere in the dispute. Subsequently the Weavers' Committee proposed that "a deputation of employers should meet a deputation of workpeople for the purpose of discussing and arranging differences," or, if that were objectionable to the employers, "that the matter should be referred to arbitration, each party to appoint an equal number of experienced men unconnected with the strike, and that R. J. Parker, Esq., M.P., should be the umpire." If none of these proposals were acceptable the committee respectfully requested the employers to make a proposal. The employers utterly refused to acknowledge even the existence of such committees in connection with the dispute. Those who so acted did not seem to have the least idea of what was obvious, namely, that the operatives



had just as much right to collective action as employers, legally and morally. The Preston people not directly concerned in the conflict became alarmed for the prosperity of the town, and urged conciliation. The clergy then tried to bring about mediation, and failed. "The clergy, gentry, and tradespeople" held a conference with the same view, but this effort also failed. "Employers," it was said, "would not hear of any terms short of the abandonment of the union." The union leaders appear to have dreaded the fearful responsibility of a lock-out, and were anxious for some compromise, but all their proposed concessions were in vain. On October 15th most of the lock-out notices expired, and within a week all the workpeople in forty-five firms were out, two others being under notice. "In all Preston only fifteen firms acted independently" of the Employers' Association. These firms continued at work, giving employment to about 3,000 persons. The number locked out was variously estimated at from 18,000 or 20,000 to 30,000 workpeople.

9. *Extension of the Dispute.*—Though Preston had become the chief centre of the labour struggle for the return of the 10 per cent. reduction exacted in 1847, other towns participated in it. At Accrington, Burnley, and Bury, those employed in the fustian trade, as well as the cotton operatives, were out; also in Bacup, Padiham, Newchurch, Rawtenstall, and numbers in Manchester, including the dyers; large numbers were unemployed by reason of strikes, the Preston lock-out, and other causes. It was estimated that at least 65,000 persons were idle, besides some 6,000 other factory operatives and about 5,000 colliers who were on strike.

10. *The Employers' Ultimatum.*—On November 4th the employers held their first meeting after closing the mills, and passed two resolutions, the first on the subject of the dispute, the other adjourning the meeting till December 1st. The purport of the resolutions was that, if circumstances warranted, the mills should be reopened on the basis of wages prior to March 1st; the other was

that the men should emancipate themselves from the union. Those resolutions were replied to by the operatives' leaders, and were severely criticised in the Press; the *Times*, whose special correspondent was investigating the matter, was severely condemnatory of the conduct of the masters. The operatives again sought a pacific termination of the struggle by memorialising the Mayor, who refused to interfere, and then the Home Secretary, who declined to offer any opinion, but advised the operatives "to endeavour, if possible, to come to some arrangement with their employers." He did not advise the employers to come to some arrangement with the operatives—those were really the parties to be advised at that juncture.

11. *Repressive Measures.*—On November 16th there was a slight disturbance at Blackburn, caused by a rumour that the Preston employers intended to induce the Blackburn employers to co-operate. The latter paid the advance of 10 per cent. claimed, and the operatives contributed liberally to those locked out at Preston. Some windows were broken at the Bull Hotel, and some blows were given, but there were no injuries beyond a few bruises. The Preston manufacturers then memorialised the Home Secretary for troops to prevent disorder. On the 21st the police authorities prohibited the lock-out operatives from selling songs in the streets, threatening penalties under the vagrancy laws, which were at that time severe.

12. *Attitude of Employers and Operatives Respectively.*—On December 1st the employers again met, and resolved not to budge from their resolutions of November 4th, but notified their willingness to receive individual applications for work and to reopen the mills when a sufficient number of operatives had applied. Only about two hundred persons applied during the first week, but the unions had to extend relief in order to prevent others from applying. On December 29th so few had responded that the masters again adjourned until January 26, 1854. Then the employers issued a lengthy statement, giving

their version of the state of affairs. This was replied to by the operatives. Needless to say that the two documents flatly contradicted each other on matters of fact. Both were erroneous in some particulars.

13. *Trade Union Tactics of Employers.*—The employers throughout Lancashire had by this time made common cause, and agreed to support the Preston masters by a weekly contribution of 5 per cent. upon the total wages paid by each firm, the first instalment being paid on the first Saturday in January, 1854, and so on, week by week, until the dispute ended.

14. *Society of Arts Try to Effect a Settlement.*—The Society of Arts then tried to bring about a settlement. A statement was issued, and a conference was held on January 30th, but the employers held aloof. One was present as a listener, but refused to take part in the proceedings. A delegate from the operatives made a statement, but the conference ended without result, except a vote of thanks to the chairman.

15. *Partial End of the Preston Strike and Lock-out.*—The stubborn fight continued until February 8th, when it was notified that the masters would reopen the mills on the terms of November 4th, and in about a week some 1,500 had accepted employment. The action of the Poor Law Guardians facilitated this by refusing relief to all able-bodied persons. Placards were circulated and posted widely in England, Scotland, and Ireland for factory workers of both sexes, and the agents employed secured a number of hands. The importation of an alien body, mostly described as paupers, was protested against by the townspeople, and some disturbance took place on their arrival; the Riot Act was thereupon read, all public meetings within the borough being prohibited. Under all the trying circumstances the operatives and their leaders behaved on the whole orderly throughout.

16. *The Town Clerk's Conduct.*—I have now to relate a sad and distressing story. The Town Clerk of Preston was the professional adviser of the Masters' Association. From the 18th to the 20th of March he was closeted daily

with the Mayor and magistrates, and it was soon rumoured that warrants had been issued for the arrest of the leaders. Ten were included in those warrants, and early on the 20th five were arrested, on the 21st two others surrendered, and then, later in the day, the three others. Those who really kept the peace of the town in those days were the operatives' committees, who counselled patience and, above all, order on the part of the people.

17. *Trial Postponed, Prosecution Abandoned.*—It seems almost incredible that the Town Clerk should have had the indecency to act as adviser to the Masters' Association at such a juncture, and to have practically taken part in initiating the prosecution of the labour leaders as adviser of the bench of magistrates. The examination lasted three days, the men being fully committed for trial at the Liverpool Assizes, then sitting. The proceedings were hurried, so as to bring the case before the jury on Monday, March 28th, only eight days after the men's arrest. On their arrival at Liverpool the working people received them with enthusiasm. Counsel for the prosecution strenuously urged their instant trial. The defendants' counsel pleaded for postponement till the autumn assizes. To this the judge—Mr. Justice Cresswell—consented, on the ground that the public would regard the trial as unfair if then proceeded with. Had the trial taken place at that time doubtless the prisoners would have been convicted, and probably sentenced to long terms of imprisonment, in the then state of public feeling as regards the strike, especially as the jury would have been of the employing class. By postponement the employers had abandoned the prosecution when the time had arrived for trial, the strike and lock-out being over. The case was so gross that the Town Clerk and the Employers' Committee ought to have been indicted for conspiracy. It was a clear case of intimidation, the law being invoked to silence the leaders and get them out of the way. As it was, the men suffered imprisonment, anxiety, and worry, and it caused the unions great expense. The action of the employers, however, revived the waning enthusiasm of the masses, and money

again poured into the coffers of the operatives' committees.

18. *The Struggle Continued.*—The events recorded did not tend towards conciliation or favour a settlement by compromise or otherwise. The employers decided to adjourn meetings for three months; the operatives replied by adjourning for six months. Pique and passion overmastered prudence on both sides. All efforts at mediation had failed. Might was pitted against might. It was a trial of strength on either side; but the operatives tried their best to bring about a settlement, while the employers did not. Unconditional surrender was the motto of the masters in that memorable contest.

19. *Submission of the Operatives.*—The end was hastened in an unexpected way. The Stockport employers resolved to take off the 10 per cent. which they had conceded, and revert to the old rates—1847–53. The Stockport operatives struck. Funds to the Preston committees fell off, the weavers had to borrow £500. Then the throstle-spinners gave in, after thirty-one weeks' struggle. A dispute as to funds with the card-room hands hastened their submission. The weavers then decided to surrender. The spinners tried to continue the struggle, but an importation of men from Glasgow caused them also to give way. Thus ended the Preston strike and lock-out after a stern contest of seven months.

20. *Cost of the Preston Strike and Lock-out.*—The total contributions to the several committees was £105,165 12s. 9d. This amount was disbursed by the eight committees representing the branches of the cotton industry involved, thus: Weavers, £67,751 19s.; Spinners, £19,839 8s. 1d.; Card-room Hands, £9,904 16s.; Throstle-spinners, £2,476 15s. 9d.; Power-loom Overlookers, £2,079 12s. 9d.; Mill Warpers, £170 6s. 5d.; Machine sizers, £854 8s. 4d.; Cloth-workers, &c., £192 4s.; Amalgamated Committee, £1,896 2s. 4d. London subscriptions were mostly sent through a Trades' Committee, sitting at the Bell Inn, Old Bailey, but some sums were sent direct to Preston.

## CHAPTER XIII

LABOUR MOVEMENTS AND STRIKES IN THE FIFTIES.—II.

### *Boot and Shoemakers and Colliers.*

THE space occupied by the story of the Preston strike and lock-out has far exceeded what was originally intended. The pleas in justification are: (1) The extensive area covered—nearly the whole of the cotton districts of Lancashire; (2) the vast numbers affected, directly and indirectly; (3) the issues involved—nothing less than the right to combine, in the first place—a right which the employers exercised to the fullest extent, yet denied to the operatives. It was a great and wealthy combination of capital against labour, the rich and the poor in deadly conflict, the one for undisputed authority, the other for the means of existence. When the masters saw that even privation could not succeed, they thought that starvation would: hence the Poor Law Guardians were restrained from giving relief. Then followed the prosecution of the leaders, which was abandoned in the end. The law was invoked to suppress public meetings and to prevent the selling of songs and other literature in the streets. The operatives had not only to contend against the powerful influence of the masters, individually and in combination, but also against the local authority, advised by a Town Clerk in the pay of the masters as their professional adviser. It needs no clairvoyant sense to perceive how easy it was for the Town Clerk to influence the mind of the Home Secretary as to

the necessity for a military force, for the increase of the constabulary, for the suppression of public meetings, and for reading the Riot Act on occasion, if deemed desirable.

1. *Strike of Boot and Shoemakers, 1857-59.*—This was a strike against the introduction of machinery in the manufacture of boots and shoes. Various efforts had been made to utilise the sewing-machine for “closing” the “uppers” in this branch of trade, and in 1857 a machine for that purpose was introduced and worked. The craftsmen of London, where the best work was done, and in some towns in the North, offered no serious resistance to the machine, although the “closing” and “binding” branches felt alarm at the appearance of the little stranger as a competitor. In Staffordshire and Northamptonshire opposition was more manifest, and resistance was determined upon. In November, 1857, one of the new machines was introduced into Northampton. The operatives were excited and alarmed. An open-air meeting was held, attended by large numbers. The speakers predicted the ruin of the trade, lack of employment, and lower wages to those in work. At a second meeting, held in the Milton Hall, it was resolved to resist the use of the new machine. A deputation was appointed to wait upon the employers, in order to ascertain their intentions. Some expressed themselves as indisposed to introduce the machine unless compelled to do so by the competition of houses where it was in work. A few, it is said, rather encouraged the men in their attitude of resistance. This is not unlikely, as the smaller masters would hesitate, for various reasons, to adopt a new machine the capabilities of which had not been extensively tested. Masters are human, and they are as timid with regard to new methods as the men, and are often as disposed as the latter to throw obstacles in the way of improved methods of manufacture.

2. *Opposition to Machinery.*—At a further meeting, held on November 11th, it was resolved that “no work should be made up for any employer who supplied machine-prepared tops,” or “uppers”; those at work at

the two establishments where such machines had been introduced were called upon to cease work, and most of them did so. The operatives tried to make the strike general, and sent delegates to all the outlying districts to enlist the sympathy and support of all engaged in the trade. Some of the men in the two firms alluded to, and also in a third engaged in the manufacture of boots and shoes, the uppers of which were machine-made, declined to join in the strike, and some from the neighbouring villages were attracted to the shops on strike by offers of higher wages. For four months—November and December, 1857, and January and February, 1858—the operatives appeared to be on the road to success. Meetings were held in all the chief centres of the boot and shoe industry in the Midlands, and the operatives were organised into unions, for up to that date little had been done in the way of organisation beyond mere local “benefit clubs.” In April, 1858, success had so far crowned their efforts that the “Northamptonshire Boot and Shoe Makers’ Mutual Association” was established—“to prevent the introduction of machinery into the trade, and to protect, raise, and equalise wages as far as possible.” The influx of members was great, and the union formed gave increased power to the leaders in the contest. But the shops struck against did not close. A number of hands were obtained, and some of the “tops” or “uppers” were sent to other towns at a distance to be made up.

3. *Conduct of the Strikers.*—It is reported that some intimidation was resorted to in the course of the strike, especially in April and May, 1858, and some cases were brought before the local justices, but there were no serious cases of personal violence. Hooting, yelling, and the use of the word “scab,” to the non-strikers, were the offences chiefly complained of.

4. *Number of Apprentices and Age Limit.*—The strike dragged on during the summer, and the funds for the support of the men fell off. Meanwhile the question of apprenticeship arose; the union desired to restrict the



number for any one man to two. It was further resolved that no person should be allowed to learn the trade after he had reached seventeen years of age. These restrictions caused a partial split, for the taking of apprentices, or learners, had largely extended in most districts. Two brothers named Plummer fought out the question of age; one—John Plummer—became well known as a writer on this and other labour questions. After an acrimonious opposition to Japheth Plummer being allowed to work at the trade, the Kettering branch of the union withdrew its opposition, the members generally showing sympathy with the man.

5. *Proposed General Strike*.—In October the operatives evinced their disappointment at the prolongation of the dispute by resorting to a desperate, in no sense a prudent, measure. At a delegate meeting it was resolved that the entire body of operatives should pledge themselves “not to work for any employer who may either now or at any future time give work to those or any of those who may continue at work for the shops on strike after October 16, 1858.” This was aimed at the men who refused to join the strike, or “went in.”

6. *Illegal Action of Labour Leaders*.—The resolution adverted to, and also the names of all the persons alluded to therein, were printed and a copy was sent to every boot and shoe manufacturer in the county of Northampton. (Fortunately no legal proceedings were taken in this case, or the consequences might have been deplorable to all connected with the strike, for the action of the leaders, the delegates, and the whole body of the union had openly violated the 6 Geo. IV., c. 129, in a manner quite unprecedented.)

7. *A Case of Wages*.—There arose a dispute as to wages in Kettering. One firm gave notice of a reduction in the price of making up some descriptions of shoes. The men struck and applied to the branch for strike pay. The Central Executive at Northampton refused to grant it, and thereupon the Kettering Branch seceded. That and other internal disputes increased the difficulties of the

union as to the introduction and use of machinery in the manufacture of boots and shoes.

8. *General Strike of Operatives*.—The strike continued all through 1858, with very little change. In February, 1859, the chief manufacturers in the counties of Northampton and Stafford, announced their intention of using machines, or making up the tops and uppers supplied by those who did. In Stafford seventeen of the larger employers pledged themselves not to employ fresh hands if the Northampton men struck in consequence of the above decision. The operatives tried to induce the Stafford employers to rescind the resolution adverted to, but failed. Then they resolved upon a general strike against all shops wherein machine-made tops or uppers were introduced. It was now a contest for mastery on both sides—employers for the free use of machinery, operatives for its prohibition.

9. *Failure of Strike*.—At the date of the strike many of the boot and shoe firms in Northampton and Stafford did not use machines themselves, but purchased the uppers so produced and “made them up.” They resented the attempted restriction. The effect of such a system would have been to limit the work of the workpeople to certain classes of manufacture, which would have been disastrous alike to employers and employed; but it failed. The general strike only lasted two or three weeks, for funds came in slowly and inadequately. Many of the operatives migrated to other centres, the number being estimated at 1,500. When the strike was over many of those who returned home found their places filled by strangers. The appeal to the other trades for support was not very successful, but the engineers contributed, though the strike was against the use of machinery.

10. *Strikes against Machinery Futile*.—Everybody now admits that strikes against machinery are futile and, what is more, impolitic, and, economically and industrially, wrong. Then, many of the operative class regarded all such inventions as enemies to labour. The boot and shoe operatives of to-day would laugh to scorn any

proposal to return to the old hand-sewn system, on the "seat," at home. Thousands more are now employed, at better wages, for shorter hours, in well-ventilated, healthful workshops. The attempt to limit apprentices also was a mistake, and equally so the attempt to fix an age limit at which persons might enter the craft. The dispute lasted nearly eighteen months; it occasioned a good deal of suffering, and cost a lot of money. The failure of the operatives is not to be deplored; what is deplorable is that they were not better led, by men more far-seeing as to the objects aimed at and as to the inevitable results.

11. *Coal Strike and Lock-out, 1858.*—The strike of coal-miners in West Yorkshire in 1858 did not originate with a union, as such strikes usually are said to do, but the dispute itself originated the union. The coal owners had formed an Employers' Association long prior to the dispute in 1858. It existed in 1844, if not at an earlier date. In that year a strike took place for an advance in wages, which ended disastrously for the men. From the close of that strike the wages of the men did not advance until 1853. It is said that the general price of coal did not advance in that period, though there were fluctuations. According to two authorities, colliers' wages were about 4s. per day for nine hours' work; Mr. Holmes, on the part of the men, declares that the rates were 3s. 6d. per day for ten hours' work. Doubtless both were right—the employers took the highest rates, the miners' representatives the lowest; so that from 3s. 6d. for nine hours to 4s. for ten hours were the minimum and the maximum in West Yorkshire from 1844 to 1853. In January, 1854, the men alleged that the price of coal at the pit's mouth went up from 5s. to 8s. 9d. per ton; an employer alleged that the price had risen only from 4s. 7d. to 6s. 8d. per ton at the pit. The discrepancies could no doubt be explained by an elaborate statement and figures, but this is not required. The employers' figures then most quoted, and relied upon, admitted a rise of 45 per cent. from 1850 to 1854. A coal merchant well known

and in a large way of business asserted that the rise was equal to, or more than, 90 per cent. The mean would therefore be about  $62\frac{1}{2}$  per cent. advance from 1844 to 1854, when the dispute arose as to wages. The system of calculating by percentages requires explanation.

12. *Dispute as to Wages versus Prices.*—If we take the employers' statement that the wages were 4s. per day, and the men's allegation that the rate was 3s. 6d. per day, the mean would be 3s. 9d. per day. If the men on the average got three tons per day the wages would be 1s. 3d. per ton. The average output per man was, however, above three tons at that period. Well, the employers alleged that they gave three advances in 1853–54, which, in the aggregate, amounted to 30 per cent., and they admitted an advance in prices of 45 per cent. Now 30 per cent. on 1s. 3d. per ton would be  $4\frac{1}{2}$ d., whereas 45 per cent. on the basis of the mean of from 4s. 7d. to 6s. 8d. per ton, as acknowledged by employers—mean 5s.  $7\frac{1}{2}$ d. per ton would amount to an advance of over, say, in round figures, 2s. 3d. per ton. The figures given at the date of the dispute varied considerably, but an employer, whose figures were most relied upon, states that hewers' wages were 1s. 3d. per ton, the cost, including other wages, 2s. 5d. per ton. Without attempting to reconcile the different sets of figures, the fact remains that, even were the advance in wages and in prices equal—say 30 per cent., the one is reckoned on 1s. 3d., the other on 5s.  $7\frac{1}{2}$ d.—so that the difference in amount is material. There was, moreover, a set-off in favour of coalowners in the varying classes of coal.

13. *The Employers' Association.*—In the dispute which arose in 1853–4 it was supposed that the Masters' Association was formed in 1853. Mr. Briggs, who was one of the leading employers connected with the dispute, asserted openly at Bradford that it had existed for thirty years. The objects of the Association are stated to have been “for the regulation of prices, weights, and other matters connected with the coal trade,” including “legislative enactments affecting collieries, and rules and regulations as to the working of coal mines.”

14. *Employers' Resolve to Reduce Wages.*—The first intimation of a reduction was given in the *Leeds Mercury* on March 17, 1855, by the publication of a series of resolutions passed by the coalowners at a meeting held at the Wellington Hotel, Leeds, on March 13, 1855, as follows: (1) "That a reduction of 1d. per day be made on colliers' wages; (2) of 1½d. per day on hurriers' wages; (3) of 1s. per week on byworkmen's wages; (4) that the resolution not to employ each other's men without note remain in force; (5) that a reduction in topmen's wages take place, date to be left to the discretion of employers; (6) that no reduction take place in the price of house-coal till a meeting be called." Numbers 4 and 6 are significant, especially the latter. It was resolved to make the reductions forthwith, to commence at and from the next week's earnings. Owing to the threatened resistance of the men the reductions did not then take place, except in a very few instances.

15. *Notice of Reduction Given.*—Later on a further reduction in the price of coal led to a decision to reduce wages 15 per cent., equal to one-half the amount stated by the employers to have been conceded to the men. On, it appears, February 19, 1858, notices by one firm were given of the proposed reduction; concerted action by all employers followed in March. The notice was signed, March 18th, to expire at the end of twenty-eight days. It was pointed out at the time that the actual reduction proposed was 18½ per cent. on the then wages, or three-fifths of the total, instead of one-half. But it seems that many of the employers regarded the reduction as one-half only, and acted upon that proportion, the real reduction being in accordance with that view. Singularly enough, in one district, there was an advance in wages, not a reduction—an indication that such a step was at least doubtful.

16. *The Strike, and a Compromise.*—The men determined to resist the reduction, and struck, selecting certain collieries. The employers thereupon determined upon a lock-out. The number who struck was about

800 ; this was increased by the lock-out to about 3,200 men and boys. After a time arbitration was proposed by the Vicar of Leeds and others ; the men agreed, but the employers refused point-blank, and would not see a deputation from the men to discuss terms. At the end of September one of the coalowners compromised with his men for  $7\frac{1}{2}$  per cent. reduction, without any stipulation as to supporting the union or the men on strike. Other employers soon followed, and the strike and lock-out ended after about six months' struggle at an all-round reduction of  $7\frac{1}{2}$  per cent.

17. *Other Miners' Strikes.*—There were other strikes in the Yorkshire coalfields at the same period, also a lock-out in South Yorkshire. But it appears that the men were able to resist even the reduction of  $7\frac{1}{2}$  per cent. However, within a year the men in West Yorkshire recovered the reduction.

18. *Cost and Conduct of the Strike.*—The conduct of the men appears to have been orderly from first to last. There were no riotous scenes, no intimidation. The cost was estimated at £100,000, of which £53,725 4s. 1d. fell upon the men ; loss in wages £45,720, and subscriptions to those on strike £8,005 4s. 1d. As the price of coal kept up, owing to cessation of production, the losses to employers were not so great in proportion to those suffered by the men.

19. *Formation of Miners' Unions.*—As an outcome of the strike and lock-out the miners established a permanent union, which organisation, passing through many vicissitudes, continued to exist until remodelled in later years ; subsequently it became the Yorkshire Miners' Union, and is now part of the Miners' Federation, which it originated.

## CHAPTER XIV

### LABOUR MOVEMENTS AND STRIKES IN THE FIFTIES.—III.

STRIKES and lock-outs were so prolific in the fifties, and the numbers involved were so large, that further examples are required to fully understand the trend of trade-union movements, and to appreciate the great issues that were at stake. In reality it was on the part of trade unions a struggle for existence as corporate bodies, if indeed the word "corporate" could then, or even now, accurately apply. It was a period also when workmen were struggling for a living wage. Trade unions were no longer forbidden by the Statute Law, but there was a widespread design among employers to crush them out by the weight of their own combinations and length of purse, and of using, as far as might be, the strong arm of the law to cripple their action and resources, and thereby render them powerless for the advancement or even defence of labour. In all the great strikes previously dealt with the abandonment of the union was more or less insisted upon by the employers; that object in all cases failed. The law was only seriously invoked at Preston, and there it failed in achievement; but, so far as it was set in motion, it helped to defeat the men.

1. *The Weavers' Strike at Padiham, 1859.*—To understand this dispute it is necessary to explain that, at the date of the strike, it was a small manufacturing town in what is known as East Lancashire, Blackburn being its chief centre in the cotton industry. In the latter

town there had long been a powerful and well-managed Operatives' Union, and also a strong Association of Employers. The two associations had so far worked amicably together that lists of prices for various descriptions of work had been mutually agreed upon, and were known as the Blackburn Lists. Four such lists existed in 1852-3 as follows : (1) Spinners' List, agreed to October 1, 1852 ; (2) Loomers' List, agreed to July 6, 1853 ; (3) Winders, Warpers', &c., List, agreed to August 17, 1853 ; (4) Weavers' List, August 17, 1853. Those lists formed the basis of calculation in the event of disputes.

2. *The Blackburn Lists of Rates.*—The Padiham weavers recognised the Blackburn Lists, for it was stated in rules of "The East Lancashire Amalgamated Power-Loom Weavers' Association," established shortly before the strike, that "the objects of this Association shall be to keep up our present rate of wages to the standard list." During a depression in the cotton trade two firms in Padiham reduced the weavers' wages. The other employers did not do so ; the operatives in those two firms consequently resented it, and held meetings to protest. They were told, however, that when trade revived the amount would be restored. Upon its revival this was not done ; on the men protesting, they were offered one-half instead of the whole amount. The wages in Padiham at that time was below the Blackburn List, some said, to the extent of  $12\frac{1}{2}$  per cent.—at least the rates were 10 per cent. below those at Blackburn. After some negotiations, without success, the operatives served the employers with notices, sending therewith the lists of the various prices they required. A public meeting took place in the Assembly Room, and several employers spoke thereat. The latter, it would appear, were ready to offer an advance of 10 per cent., only  $2\frac{1}{2}$  below what was demanded. Some opposition to two employers present caused an uproar, and consequently the terms were not disclosed.

3. *Small Amount in Dispute.*—As was subsequently shown, the actual difference between the operatives' claim



and the employers' offer, which, though not made known at the meeting referred to, was published in the *Blackburn Times* a day or two afterwards, was only  $2\frac{1}{2}$  per cent. The employers urged that they were entitled to that difference for local reasons given. But to the operatives the amount appeared to be greater, hence their action. The details of the differences are of such a technical character that they need not now be entered into—indeed, it would occupy more space than the subject would be worth. Apart from extra cost of carriage, and other matters urged by the employers, the measurements of loom, &c., and difference in quality of material used, were such that the Padiham employers had a rightful claim to some set-off. For example, the Blackburn weavers used warps spun by mule, the Padiham weavers warps spun by throstle. The former were more brittle, liable to breakages, consequently to stoppages, than the latter. Unfortunately the question of the union came in. The employers objected to the union secretary's interference. The latter denied some of the allegations made against him, but being the operatives' mouthpiece, he was therefore not a favourite with employers. The fight, however, was not in this case against unionism *per se*.

4. *The Strike—each side Explains.*—As negotiations failed, the hands at six mills went out on March 17, 1859. Only about 943 struck work, many of whom were youths and girls. A Masters' Defence Association was forthwith formed, which contributed 2s. 6d. per loom per week in support of the Padiham employers. In this way between £6,000 and £7,000 were subscribed. The employers' case is put at some length in a circular dated June 4, 1859; also in a lengthy letter to the *Times* dated August 8th. To the latter the secretary to the operatives replied in a letter dated August 14th. Each party put the case as they saw it, from their own standpoint, and each, as naturally, exaggerated or softened, according to the views entertained. Other matters were imported into the dispute, some by the operatives, some

by the employers, all doubtless done in good faith, but the effect was irritating and delayed a settlement.

5. *End of the Strike.*—The beginning of the end came in a curious way. One of the employers had his looms measured by his own hands, and settled the dispute on that basis. This was placarded, when the employers replied that their offer had been on the same basis. The difference faded, but the struggle continued. Effects at conciliation failed. At last, on August 9th, a Committee of Blackburn employers was elected to investigate the matters in dispute. They did so, heard a deputation from the operatives, and reported, recommending conciliation in a generous spirit. The report entered into minute details, the outcome of which was to justify the employers' offer. While the discussion was going on an old measurement list was discovered, which practically coincided with the Blackburn report. The result was that the strike came to an end after six months' duration. Even then a protest was made on the part of some of the Padiham men. But the Blackburn men threatened to cut off supplies if the strike continued.

6. *Cost of the Strike.*—The strike cost about £11,334 12s. 1d., of which £10,380 11s. 5d. was sent to Padiham. The remainder was expended in meetings, printing, collection of funds, officials, and general cost of management.

7. *Strike of Flint Glass Makers, 1858-9.*—"The United Glass Makers' Society" was established in 1844. The rules were revised at a conference held in London in June, 1858. The society provided benefits for unemployed members, superannuation, and other benefits from its formation. Upwards of £20,000 had been spent prior to the strike of 1858, mostly as unemployed benefit, £2,000 of which were spent during the Crimean War, and £3,000 in 1858, the year of the Indian Mutiny, though there were no strikes, only "fluctuations in trade." During those fifteen years the union contributed liberally to the chief strikes and lock-outs in other trades, and also to the National Association of Trades' Unions" in its

efforts to promote arbitration or conciliation in the case of labour disputes. The rules provided for a minimum wage, ranging from 14s. to 24s. per week according to grade, and also as to the proportion of apprentices to the number of journeymen.

8. *Origin of Strike—Apprentices and Wages.*—The strike originated in the attempt of a manager to employ an apprentice as a journeyman footmaker at a lower rate than 14s. per week. The men objected, and upon the employer refusing to pay such wage the men gave in their notices on October 12, 1858. The employer replied with another notice on the 16th, and on the 23rd they ceased work. This was at Stourbridge. A dispute also arose as to the number of apprentices at another factory in the neighbourhood—there also the notices expired on October 23rd. The men were in union, and were entitled to from 10s. to 15s. per week strike pay; the masters had no union. But on October 16th the two employers involved sent circulars to all other employers, requesting them not to employ those on strike in the interests of the trade generally. These circulars had the desired effect.

9. *Extension of Strike and a Lock-out.*—The men, in retaliation, decided on November 15th to strike at two other factories, and so on in detail before resorting to a general strike. Power was given to the Committee to adopt either alternative on the day following. Thereupon the employers resolved to form an association of all the glassmakers in the districts of Birmingham, Dudley, and Stourbridge, the rules of which were agreed upon, dated November 16, 1858. The men resolved to attack the employers who aided the firms on strike by supplying them with goods at cost price or otherwise, and thus the struggle became general, the Workmen's Union on the one side, the Employers' Association on the other. The latter at once declared war against the union, and on January 1, 1859, the men were locked out from seventeen factories, seven only remaining open and at work. The employers endeavoured to induce all other employers in

the kingdom to do likewise. In March about 1,100 men were locked out ; the dispute had in fact become national. The condition of re-employment was a written declaration by the operatives to give up the union, and not to contribute to those on strike. The men doubled their subscription, and even proposed to start a factory of their own ; nevertheless they tried to conciliate by a revision of their rules, a copy of which was sent to every employer. At first the employers would listen to no terms except a renunciation of the union.

10. *Settlement of the Dispute*.—Later on the employers notified acceptance of the new rules subject to some modification. They were modified accordingly, and were agreed to at a conference of both parties on April 4, 1859. The men depended mainly upon themselves for support, by high rates of contribution, and the acceptance of promissory notes, bearing 5 per cent. interest when the struggle was over. All these, to the extent of £2,000, were redeemed.

11. *Chainmakers' Strike, 1859-60*.—The circumstances leading up to this strike were peculiar, and require some explanation. The chief centres of the chain-making industry were at that date in Northumberland and in the Midlands ; but there were also considerable factories in Wales and Scotland—mostly in or near Glasgow. In the Midlands the chief seats of such industry were at Cradley, Dudley, Walsall, and Wolverhampton ; but it was carried on at other places. It is estimated that the number so employed in 1859 was about three thousand. In the Newcastle-on-Tyne district the men had a strong, well-organised union. The trade was a flourishing one, high wages were paid, and the best chains were made in that district. The union at that time published *The Chainmakers' Journal and Trades' Circular*, the issues varying from 500 to 1,100 per month. In the Midlands an inferior class of chains were produced, and the men were paid a lower rate of wages. The local "community of chainmakers" was not a thriving one. They had no trade combination worth mentioning ; what little there was consisted of

local clubs, limited in numbers, in resources, and purposes, chiefly social and convivial.

12. *Friendly Action of Newcastle Union.*—In the early part of 1859 it became known to the Newcastle Union that the chainmakers in the Midlands were in a very depressed condition, whilst the trade in the north was flourishing. The Newcastle Union thereupon resolved to send a deputation to the Midlands to inquire and report. It was a purely voluntary act, as the men had no bond of union, except that they worked at the same trade. The deputation left Newcastle on April 10, 1859, and visited the whole of the Midland districts, also Wales and Glasgow, several meetings being held during the visits at the chief centres of the chain-making industry.

13. *Test of Quality of Chains Advocated.*—Their report, in brief, specified four evils requiring immediate remedies. They were : (1) Employment of women in chainmaking ; (2) long hours of labour ; (3) manufacture of inferior chains ; (4) want of a general union among the chainmakers. A protest was made in their journal against the employment of women, but no other steps were taken ; and all subsequent efforts failed in this respect. The scale-rates of work in operation in one large factory at Gateshead was advocated as a basis to apply to all factories in the North of England absolutely ; and in the South with as little delay and modification as might be necessary under the circumstances. As regards the manufacture of inferior chains, the journal took a bold step—it urged upon all connected with the shipping industry the absolute necessity for a public test, in the interests of safety of human life and property, with a duly qualified inspector to take charge of the machine and certify as to the result. An important and well-considered circular on this subject was issued “to the Directors of Marine Insurance Associations, Merchants, Shipowners, Captains, &c.,” dated June 3, 1859, signed on behalf of the operatives.

14. *Organisation—Charge of Rattening.*—With respect

to the want of combination among the chainmakers of Staffordshire, the Newcastle Union urged in their journal the formation of societies in all localities, and sent delegations to organise such in the various districts. They found the men depressed and generally dissatisfied. At one factory at Lye there was a strike which had already lasted two months. The origin of that strike was as follows: In the middle of February, 1859, the bellows of three workmen, to the value of £25, were destroyed. The employers accused the members of the union of the outrage, and required the union to make good the damage. The officials of the union solemnly denied all knowledge of the affair, but it appeared that the workmen whose bellows were destroyed had given offence to the union—two by non-payment of levies, the third by refusing to join the union. The employers insisted upon the damage being made good, and, further, that the men should contribute to a special guarantee fund to repair the damage done to any other property. The men thereupon struck. There was a divergence of opinion at the time as to the precise issue; the union officials declared that they were willing to make good the damage in the particular case, but objected to a permanent tax. The employers declared that they would not have insisted upon the tax if the union had paid for the actual damage done. Apart, however, from the matter mentioned, the men at this factory complained bitterly of deductions from wages in charges and fines. This was not an unusual thing at that date, nor for long years subsequently. The men struck on February 21, 1859, to the number of nearly a hundred. The men of the North contributed at first £5, then £10 weekly during the strike, which ended in July after over four months' duration, the men being taken back unconditionally.

15. *Deductions in Wages, and Resistance.*—The strike above alluded to was local. There were others in May and June against employers supplying chain to the firm on strike. Then a dispute arose at Cradley as to charges for carrying the iron, which the men resisted, imposing a

fine of 10s. upon any member of the union who submitted to a reduction of wages for carriage, &c. The wages of the men in 1844 only averaged about 10s. per week. By spasmodic union efforts wages rose to nearly double by 1854, after which they receded to nearly the 1844 level. The unions decreased in numbers, and then ceased to exist. Again they attempted to reorganise, but in 1858 they were still weak. In July, 1859, a general delegate meeting was called to consider the desirability of an advance upon what was called the 4s. list, and also the 5s. list. On July 23rd notices were given to employers that the men would require the advance from August 6th. The employers held a meeting, and resolved neither to accept the notice nor concede the advance, and on August 6th the men left work.

16. *Breach of Contract—Prosecutions and Appeal.*—The employers—represented by two firms at Stourbridge and one at Chester—took out summonses for breach of contract—leaving work without notice—on the ground that they were not bound to accept notice from a person not in their employ. On August 12th the case was heard by the Stourbridge magistrates, one of whom was a chain manufacturer,<sup>1</sup> who declared that the men were not justified in leaving work. No sentence was passed in this case; but in another case two men were sent to prison for fourteen days and ordered to pay 8s. 6d. costs and have £4 deducted from their wages. An appeal was entered, when the court held that the conviction was wrong, as the men acted *bonâ fide*, the notice given being held to be good.

17. *Quibbles as to Nature and Extent of Differences.*—The dispute as to prices and wages was often acrimonious, and the figures given on either side vary considerably. The employers offered to give a certain advance, on August 29th, if the men would work out a fourteen days' notice on the old rates. This the men refused to do,

<sup>1</sup> This was in violation of the provisions of the Act 6 Geo. IV., c. 129.

holding that their secretary's notice was valid, as, indeed, it was declared to be later on, when the appeal was heard in the Court of Queen's Bench. There was also a dispute as to the nature and value of the employers' offer in the formulated list.



## CHAPTER XV

### LABOUR MOVEMENTS, STRIKES, AND LEGISLATION IN THE SIXTIES.—I.

WE are now on the eve of the sixties. The movement first to be described commenced in 1859, but in its general character and results it essentially belonged to the sixth decade of the nineteenth century. The sixties entered upon wider development of trade unionism. There were some new departures and an extension of the old lines, and also a broader application of the term "unionism" to conditions more or less new. The isolation that had for so long a period kept the labour leaders apart was once again to be broken down, and thenceforth unionism was to mean not only the gathering together of men into unions in the trades to which they belonged, but it was to become a union of unions for common purposes—"defence, not defiance" being the motto. The idea of a consolidation of all unions into one huge body was practically abandoned. The experience of attempts of this kind in the thirties, forties, and fifties had shown its utter impracticability. The aim was much the same, but the means to the end were different. Absorption was found to be futile; but it was possible to co-operate on independent lines, each union managing its own affairs, and yet supporting general principles in cases of emergency. No grand scheme was formulated, but the leaders of the unions were drawn together, and certain of the unions followed their leaders as a matter of course. It was a growth, slow at first, but

expansive. As a result there followed important developments, some of which are as yet only partially realised, and these only after years of work, sometimes followed by periods of reaction.

1. *The Builders' Strike and Lock-out, 1859-60.*—As before mentioned, the building operatives of London were the first to endeavour to reduce the working hours, by one and a half per week on Saturdays. In 1859 a movement was initiated for "a nine-hours' day," but in reality it did not mean a reduction of six hours per week, only of four and a half hours per week—that is, from  $58\frac{1}{2}$  hours to 54 hours per week. The idea was favourably received by all the branches of the building trades, but by the employers it was bitterly opposed. The public also evinced interest in the discussion. Fast and furious was the onslaught upon the leaders who had dared to ask "for ten hours' pay for nine hours' work." The reply was, and is, that the men had as much right to a reduction of working hours as to an increase of wages, if the state of the labour market was at all favourable to any enhancement in the value of labour. Then, however, it was regarded as a monstrous thing, and the leaders in the Nine Hours' movement were held up to ridicule in *Punch*, were denounced in the *Times*, and in other London newspapers; they were censured in Parliament, on platforms, in pulpits, and in the meetings of "learned societies." Defenders of the men were few, but not insignificant. During the strike and lock-out, and the subsequent introduction of the Hour System, such men as Thomas Hughes, Frederic Harrison, J. M. Ludlow, Dr. Congreve, Professor Beesly, Professor Charles Neate, Professor Cairnes, John Stuart Mill, and many others supported the men, and thus took the sting out of the philippics against the leaders.

2. *Origin of the Nine Hours' Movement.*—The idea of initiating a movement for the reduction of the hours of labour originated with the London masons in 1853. It made slow headway, but it was constantly kept to the front, and was often referred to at anniversaries, suppers,

and such like functions as a thing to be aimed at and striven for. In 1857 the carpenters and joiners of London took up the question, and in the autumn of that year, a delegate meeting was called of representatives of the then local unions and of some fifty from the leading building firms to consider the question. On January 12, 1858, it was resolved to act, and on June 23, 1858, an aggregate meeting was held in Exeter Hall, when it was unanimously agreed "to agitate for the reduction of the working hours to nine per day." Thereafter the agitation was known as the Nine Hours' Movement. The bricklayers, masons, plasterers, and painters soon gave in their adhesion, and deputations were appointed to wait upon the master builders, to urge the concession of  $4\frac{1}{2}$  hours per week, leaving work on the first five days at five o'clock, instead of 5.30 as was then the practice. As a rule the deputations were either rudely answered, or the letters requesting an interview were treated with silent contempt. This was not an unusual thing at that date. But some of the employers went further—they discharged men in their employ who formed part of the deputation. This was done in several instances before the operatives decided to retaliate. Dismissal was not uncommon in cases where a man became the spokesman for his fellows. The man selected to represent his co-workers was usually a marked man, and if he were not discharged, he was driven to the extremity of leaving by annoyances which unsympathetic foremen knew how to inflict.

3. *Strike at Messrs. Trollope's*.—Retaliation was precipitated by the action of Messrs. Trollope and Sons, Pimlico. A deputation of their own men waited upon the firm to respectfully urge them to concede the nine hours. A prominent member of that deputation was a much respected member of the Masons' Society, and this man Messrs. Trollope at once discharged. Thereupon (July 21st) all the masons at Messrs. Trollope's job at Knightsbridge resolved to strike, unless the dismissed man was reinstated. The firm refused to

reinstate him. Then the carpenters and joiners, bricklayers, plasterers, painters, labourers, &c., made common cause with the masons, and struck work. But the demand was extended. The firm was not only asked to re-employ "the unjustly discharged mason," but to reduce the working hours to nine per day. Both demands were refused, and the strike became general on July 25, 1859.

4. *Constitution of Conference of Trades.*—It was apparent soon that the struggle would be severe and prolonged. The principal master builders of London made common cause with Messrs. Trollope, endorsing their action as to the discharge of the men's representative as well as their refusal to grant the nine hours. The building operatives had also made common cause. It was resolved to constitute a general committee of all the branches of the building trades by the name of "Conference of the Building Trades." Here, then, were two great industrial forces in conflict—the master builders of London in association, and the whole of the operatives in all branches of the building trades, the various unions of which were represented at the central body termed a "Conference." Each union managed its own affairs, and supported its own men, the contributions by the Conference were extra, being in addition to the strike pay of the several unions.

5. *Lock-out of Operatives.*—In order to defeat the men and cause a withdrawal of their demands, the master builders' Central Association declared a lock-out, which took place on August 6, 1859. The total number of building firms which closed their establishments was 225, the total number of men participating in the first Conference dividend was 9,812. But there were many hundreds of men who never applied to the Conference for assistance, some being supported by their own unions, and some not, many being non-society men. The highest rate paid by the Conference in any one week was 6s. per head, the lowest 1s. 1d. per head. But the Conference did much more than merely collect and

distribute funds ; it organised meetings, sent deputations to all parts of the country, and prevented, as far as possible, an influx of operatives from country towns and villages to take the place of those locked out. It was the propagandist body of the Nine Hours' Movement.

6. "*The Odious Document.*"—The Master Builders' Central Association, in deciding upon the lock-out, introduced a new element, known at the time as the "Odious Document," which was "a written pledge," by the operative, "not to belong to any society which in any way, directly or indirectly, interfered with the rate of remuneration, the hours of work, or any other arrangement between employer and employed." Thus the struggle was no longer one for the reinstatement of a discharged man, or a question of Nine Hours, but really involved the right of association on the part of the men. The master builders reserved the right to have their Central Association, but denied to the operatives the right to be members of trades unions. In this case, once again, vaulting ambition o'erleaped itself. The effect was to strengthen the unions, not to weaken them.

7. *Abandonment of the Document.*—The master builders were astute in their action, and it served a purpose ; but it was not defensible. Conbinations were declared to be lawful by statute, so long as the members thereof did not violate the conditions imposed. In this instance no overt act was alleged. The condemnation of the Document was so pronounced that, in a short time, it was changed from a "written pledge" to a "declaration" not to belong to a union, given verbally. In order to defeat the Document, the Conference, on November 9, 1859, ordered the strike at Messrs. Trollope's to be withdrawn. The original demands being annulled, the struggle was concentrated upon the withdrawal of the "Odious Document," and financial assistance was liberally given by the trade unions of the country to that end—the Amalgamated Society of Engineers alone contributed nearly £3,500, £3,000 of which came from the central office in London. The engineers had passed

through a similar experience in 1852, and therefore their sympathy and support was given. On February 7, 1860, the Central Association of Master Builders agreed to the "unconditional abandonment" of the Document and Declaration.

8. *Cost of the Struggle*.—The total receipts by the "Conference of the United Building Trades" was £23,065 6s. 6d., the total expenditure, as per balance sheet, dated the 7th day of May, 1860, was £22,747 2s. 10d., leaving a balance in hand of £318 3s. 8d., which balance was further reduced by subsequent expenditure connected with the dispute and matters arising therefrom. This first great strike to reduce the working hours failed, as did the employers' efforts to break up the unions. All efforts at conciliation failed, and those who suggested it were roundly abused by employers and generally in the Press.

9. *The Hour System and Saturday Half-Holiday*.—The termination of the strike at Messrs. Trollope's, and the subsequent ending of the lock-out, by the withdrawal of the Document and Declaration, did not finally dispose of the dispute. "The Master Builders' Central Association" devised a method of paying by the hour, so as to get rid of the agitation for a nine-hours' day. The recognised trade-union rate of wages per day was so adjusted as to fit in with the hour system of payment, the actual sum being a fraction over the old rate of 33s. per week.

10. *Strike Against the Hour System*.—The building operatives of London did not take kindly to the innovation. The system of weekly hiring was regarded as a safeguard, even when it had practically changed, in practice, to hiring by the day. The Hour System meant dismissal at an hour's notice, in any part of the day, at a time when it would be impossible to get another job to make up the full day's wage. It was therefore determined to resist the proposed change, and a strike on a large scale was resolved upon. Each branch in the building trades conducted its own affairs in this instance,

without the aid of the "Conference of the United Building Trades," or any other central committee on a similar basis. But the leaders were in frequent consultation, and, generally speaking, all sections worked on the same lines. In this case there was no lock-out; each employer endeavoured to find men as best he could; but the "Employers' Central Association" did all it could to obtain men from the provinces, and even from the Continent, to fill the places of those on strike.

11. *Reduction of Hours on Saturday.*—The strike against the Hour System was a prolonged one, all through 1861, and part of the year 1862. Indeed, it was never formally abandoned, but it came to an end by a concession on the part of the employers, and the men gradually resumed work. The employers gave what they called a "Saturday half-holiday" by ceasing work at one o'clock on Saturdays, instead of 4 p.m. In reality it was a concession of two hours, for the men worked through what had previously been the dinner hour, from twelve to one o'clock. Thus out of the  $4\frac{1}{2}$  hours' reduction claimed by the operatives in 1859–60 two hours were conceded, the wages being again readjusted at per hour, so that there was no real loss on the recognised weekly wages of the men. Subsequently the employers agreed to twelve o'clock on Saturdays, making the concession three hours instead of two, with another readjustment, involving no loss in wages.

12. *End of the Strike, and Results.*—The struggle against the Hour System was as bitter as it was prolonged. The leaders were persecuted and refused work for a long period afterwards, but gradually the resentment died out. The anticipated evils of the new system were not so great as expected, nor, perhaps, were the benefits to employers such as they expected. The cost and suffering by the contests in the building trades, 1859–62, were great. The losses to employers and, in wages, to the men were enormous. The economical advantages may, in the long run, have compensated the men, for the Nine Hours' movement was the starting-point for other movements,

some of which have left their mark on the political as well as the industrial history of this country.

13. *Nine Hours' Conference at Derby.*—As an outcome of the strike and lock-out in the building trades of London, a Conference of representatives of the various trade unions of the United Kingdom connected with the several branches of those trades was arranged in the autumn of 1860. The Conference met in Derby on January 1, 1861, and lasted the whole week. The result of that Conference was the formation of the "United Kingdom Association for shortening the Hours of Labour in the Building Trades." The above title was chosen because some branches of these trades preferred the Saturday half-holiday to the shortening by half an hour the other five working days in the week. The Conference was unanimously in favour of the "short-hour movement," and only slightly differed as to the Nine Hours or the Saturday Half-holiday. The new association failed to evoke the requisite support, and consequently was short-lived. Perhaps the principal cause of its failure was the introduction of the Hour System in 1861, and with it, later, the adoption of the Saturday Half-holiday, which ended the dispute.

14. *Concerted Action by Labour Leaders.*—The most important result of the Derby Conference of 1861 was the bringing together of the more prominent labour leaders in the several branches of the building trades. It paved the way for concerted action in various movements which sprung out of, so to speak, the agitation for the Nine Hours: the Conference of the United Building Trades and the delegate meetings of other trades held in London in the autumn of 1859 and the winter of 1860. The Conference was convened by the "Executive Council of the United Building Trades," which continued to meet during the dispute as to the Hour System.

15. *The London Trades' Council.*—Another direct outcome of the Nine Hours' Movement was the establishment of the London Trades' Council. The delegates of trade unions not connected with the building trades met



weekly in Aldersgate, quite apart from the "Conference of the United Building Trades," and towards their close it was suggested that those weekly meetings should not cease, without an effort to constitute a permanent body. Later on a proposal was made to that effect, which was adopted. A preliminary committee was appointed to consider the subject, and to report thereon. They reported in favour of a London Trades' Council, the first members of which were appointed *pro. tem.*, and also a secretary. The trade unions that responded elected their delegates, and a meeting was called at the Bell Inn, Old Bailey, when the Council was constituted. When established the present writer was selected the first secretary to the London Trades' Council in 1860, which Council has continued to exist, without a break, to the present time. The first work of the new Council was the publication of a "Trade Union Directory," compiled mainly by William Burn, a shoemaker, and prominent trade unionist of that day. The "Directory" was not complete, but it was a marvellous production as a first effort, and was found to be extremely useful. The London Trades' Council has had a checkered career. Its first secretary was unpaid ; its second—George Odger—was voted half-a-crown per week, which was not always paid. The third secretary, Mr. George Shipton, managed to get it into a better financial position ; the Council paid the arrears due to George Odger, and his own salary was increased from time to time until it reached the modest competency of £150 a year. Mr. James Macdonald, the present secretary, is paid the same amount ; he is the fourth secretary in forty-two years.

## CHAPTER XVI

### LABOUR AND POLITICAL MOVEMENTS ; STRIKES AND LEGISLATION IN THE SIXTIES.—II.

THERE is a seedtime and the harvest. In some cases the harvest lingers ; in others it comes quickly, according to the nature of the crop, and also of circumstances—climate, nature of the soil, character of the seed, &c.—pertaining to its development, growth, and maturity. In public movements and legislation it is the same. Sometimes fructification is early ; the fruit ripens quickly ; it is ready for gathering almost before its full maturity. This was the case in the sixties as regards some matters affecting the masses ; but the ground had been cleared and tilled previously, and was therefore prepared to yield, should the season prove auspicious and the husbandman capable.

1. *Bakers and the Bakehouses*.—The making and sale of bread had long been subject to legislative regulation, but it had reference mainly to quality and weight. In 1821 a General Act was passed, but, for some reason or another, it became inoperative. In 1822 was passed the 3 Geo. IV., c. 106, in § 16 of which provision was made as to the hours of journeymen in the metropolis on Sundays. The amended Act in 1835, the 6 and 7 Wm. IV., c. 37, applied its provisions to the entire country, except Ireland ; the latter was included by 1 & 2 Vict., c. 28, in 1837–8. The operation of those enact-

ments mainly depended upon the "common informer," who was as objectionable to the journeymen as to the masters. The provisions of the Acts were therefore infringed with impunity.

2. *Bakehouses Regulation Act, 1863.*—The Acts were again in danger of becoming a dead letter. The employers constantly set at naught the provisions as to Sunday work ; the journeyman bakers thereupon took the matter up, and several prosecutions were instituted, not always with good results. The Association of Journeymen Bakers, however, did not allow the matter to drop, and, as a result of their agitation and inquiry, the Bakehouses Regulation Act, 1863, was passed. (26 & 27 Vict., c. 40). By § 3 of that Act the hours of working for all persons under eighteen years of age were regulated, and provision was made as to sanitation, ventilation, and sleeping (§§ 4 & 5). By § 6 the local authority was empowered to enforce the provisions of the Act.

3. *Parliamentary Inquiry and its Results.*—In consequence of the laxity of the local authorities in enforcing the Act, great complaints were made by the journeyman bakers, and a return was ordered by the House of Commons. In 1865 Mr. Tremenhare was appointed to inquire and report upon the working of the Bakehouses Regulation Act, 1863. His report fully justified the complaints made, more especially in the metropolis. In other large towns it was said that the provisions were fairly complied with. The reports as to London, particularly that of Dr. Ballard, showed that many of the bakehouses were so filthy as to impair the purity of the bread baked therein, besides being injurious to the health of the workers.

4. *Inspection, and Newer Measures.*—The result of the investigation and reports was that the Act was more vigorously enforced, at least in places. Power of inspection was given to medical officers of health, but the Journeymen's Society, representing 13,000 men, declared that inspection was comparatively rare. However, their action, supported to some extent by the public, caused a

stir, and inspection became more general and effective. Bakers and bakehouses are now under other Acts relating to public health, buildings, factories, and nuisances as regards smoke.

5. *Coalminers—Position and Condition.*—The mining population of Great Britain had done little in the way of organisation during the first half of the nineteenth century, but something had been done. Such unions as they had were local, and the mineowners took care, as far as possible, to render these innocuous by compelling the miners to contribute to the “benefit clubs” established in connection with the collieries. In numerous instances the coal-pits were in outlying districts—pit villages—the workers occupying owners’ houses or tenements, so that they were very much under the thumb of the mineowner, or what, in many cases, was much worse, that of the manager or overlooker. At collieries near the towns they were not much better off. In general the pitmen of the better sort gave more attention to religious bodies than they did to industrial organisation. Occasionally they acted together on a large scale, but mostly for temporary purposes only.

6. *National Miners’ Conference, 1863.*—Early in the sixties some of their leaders thought it time to effectually organise the men, not only in districts, but nationally, for the purposes of united action, especially in matters of legislation. The result of their agitation was the Leeds Conference, November 9th to 14th, inclusive, 1863. The prime mover in that conference was John Holmes, of Methley. Among the other notable men at that Conference were Alexander Macdonald, William Pickard, of Wigan, Thomas Halliday, William Crawford, John Normansell, William Brown, Richard Mitchell, and Rev. J. R. Stephens, who acted as chaplain to the Conference. Representatives of a newspaper called *The Miner* were also present at the Conference, and spoke; but as they were not delegates they were not allowed to vote.

7. *Formation of National Union.*—It was decided to

establish a "National Association of Miners of Great Britain," to include ironstone miners and others, as well as coalminers. The "transactions" of that conference were fully reported, and they read curiously by the light of the Mines Regulation Acts and other Acts of the last thirty years. The position of the miners and the legislation demanded on their behalf are fully set forth in that report. The resolutions dealt with accidents in mines, the Truck Act as then in force, registration of the weight of coal raised, employment of women at the pit-banks, some illustrations from photographs of women so employed at Wigan being given. The local reports presented dealt generally with the condition of working miners in most of the chief districts of the country.

8. *Results of Miners' Combinations.*—It is not an exaggeration to say that the miners of the United Kingdom owe much of the legislation of the last thirty years to the Leeds Conference of 1863. The National Association did not become a permanent institution, but it lasted long enough to see the Mines Regulation Acts of 1872 passed and to convene another National Conference at Leeds, November 18 to 22, 1873. The National Association of the Unions of Durham and Northumberland, the Amalgamated Union of Miners, the large unions of Yorkshire, Cleveland, Lancashire, those in the Midlands, South Wales, and in Scotland carried on the work began in the sixties. The National Federation of Miners now represents nearly all the coalfields except Durham and Northumberland. The outcome of their labours is that the miners have won a foremost place in the industrial world as regards legislation and general conditions of employment.

9. *Labour Leaders and Political Movements.*—The Nine Hours' Movement, the Conference thereon at Derby, and the establishment of the London Trades' Council, had prepared the way for co-operative action in other movements—political and social as well as industrial—by the labour leaders thus brought together.

It is well known that trade unions, as a rule, exclude party politics and religious sectarian questions from their executives, councils, and lodges or branches. The rule is not invariable, for in some cases they, notably the Shoemakers in London, often joined in public political movements by the votes of the members. This was so in the early sixties by both sections into which the shoemaking trade was divided. George Odger was often delegated to attend conferences and meetings on their behalf. The Labour leaders of forty years ago were almost wholly Radical. Many of them had been associated with the Chartist body and with international democratic movements carried on in this country. They were therefore prepared by mutual sympathy and sentiment, by political conviction and prior association, to form new combinations for advancing old causes—political freedom, citizens' rights, even-handed justice, and industrial amelioration—in other words, the rights of labour.

10. (a) *Italian Freedom and Unity*.—One of the earliest movements which brought those men together was the struggle to free Italy from Austria's yoke in 1859-60. Mazzini was known personally to many of us; Garibaldi soon became an idol. Nearly all of the more prominent men in labour movements favoured the Italian crusade; those who took the other side were mostly Irishmen. At the meetings held in Hyde Park it was no unusual thing to see the London artisans and the labourers who "served" them in an apparently deadly conflict for possession of the "mound" which served as a platform ere the Reform League consecrated what was known as the "Reformers' Tree." British workmen aided, by sympathy and support, that great, and on the whole successful, struggle for Italian freedom and unity. The London workmen made memorable the Italian Liberator's visit to the metropolis by their magnificent reception at the Nine Elms Station, whence they escorted him to Stafford House. In the attempt to gag him while here and to hustle him out of the country, with much courtesy but all speed, their protests were loud and strong. I venture

to say in this connection that the enthusiasm of the British workmen helped our Foreign Office to disregard both Austrian and French diplomacy, and also the influence of the Vatican. The interest of British workmen in that struggle continued until the hopes of Italian patriots were realised by making Rome the seat of government.

11. (b) *Hungary's Struggle for Independence*.—The fervour in favour of Hungary at that date was not equal to that evoked for Italy, but it was none the less real. The question of "independence" had indeed entered into another phase since the events of 1848-9. In 1859 Kossuth had spoken at a great non-intervention meeting in the City of London with the Lord Mayor in the chair, the war then being between Austria and Italy, the French supporting the latter. Kossuth spoke at other meetings, and everywhere was enthusiastically received. With this movement also the labour leaders of that date were in full sympathy.<sup>1</sup>

12. (c) *The American Civil War*.—With almost singular unanimity British workmen took the side of the North as against the South, in the great American Civil War. At first, after the secession of South Carolina, December 20, 1859, there were a few waverers, and others were inclined to waver, mainly on the ground of an alleged constitutional right of secession, supposed to have been reserved to the several States in the constitution of the Federal Union. But the keynote had been struck earlier by John Brown at Harper's Ferry on October 16, 1859. It was regarded as a struggle for the abolition of slavery, and the election of Abraham Lincoln on November 6, 1860, confirmed that view. In spite of some initial difficulties most of the working classes were in favour of the North, of freedom as against slavery, and no more notable page exists in British history than the record of the self-sacrificing heroism of the cotton operatives of Lancashire. All sections of British work-

<sup>1</sup> I was present at the great meeting in the London Tavern, and shall never forget the outburst of enthusiasm.

men suffered more or less by depression in trade, but Lancashire suffered most, and suffered bravely.

13. *Anti-Slavery Movements.*—The Emancipation Society, and other bodies having similar objects, had long kept the question before the British public. "Uncle Tom's Cabin" had been read by hundreds of thousands, and the dramatic version of it had turned theatres into places of grief, where sobs and tears were almost universal in pit and gallery—even in the boxes. The effect of all this, and of the efforts of abolitionists in the States and elsewhere, were not lost. But the one great fillip given to the movement in England at that time was the publication of an "Address" to the working classes, prepared and issued by Messrs. Odger, Cremer, and Howell at the outbreak of the war, and circulated throughout the country.<sup>1</sup>

14. Great meetings were held in London and throughout the provinces. The two most memorable in London were the notable meeting in St. James's Hall, over which John Bright presided, March 26, 1863, and one in Exeter Hall later on. Mr. Bright also addressed two great meetings at Rochdale, one at Birmingham, two others in London; and he also spoke in the House of Commons, June 30, 1863. Lancashire deserves the greatest credit for its practical sympathy and support of the North in that great struggle. The solid and enthusiastic adherence to the cause of freedom on that occasion by the masses of our people prevented what, apparently, was at one time contemplated by the then Government—the recognition of the Southern States as a *de facto* government, thereby alienating the great Republic of the West.

15. (d) *Parliamentary Reform.*—The activity of the more prominent working-class leaders in the movements mentioned and others brought them into close personal contact with many eminent public men, statesmen and politicians, political economists, and other publicists, and men of the

<sup>1</sup> That Address was written by me; it was revised jointly, and sent to the newspapers.



wealthier classes whose sympathies were more or less with the people, some in one way, some in another. Among those indicated may be mentioned Messrs. Bright and Cobden, John Stuart Mill, Professor Cairnes, Professor Goldwin Smith, Professor J. E. T. Rogers, Professor Beesly, Dr. Congreve, Frederic Harrison, Thomas Hughes, J. M. Ludlow, T. B. Potter, and numerous others, and to some extent also with Ministers of the Crown—Lord John Russell, Lord Palmerstone, Mr. W. E. Gladstone, and others of their colleagues. The relations thus created did not end with the movements mentioned.

16. *Agitation for the Franchise.*—Among the many questions frequently discussed by the band of men brought together in London by the labour and other movements alluded to was the subject of electoral reform. The Chartist body, as an organisation, was practically dead, though local sections still existed and held meetings from time to time. The subject, however, was not lost sight of, and efforts were made to infuse new life into the movement for Parliamentary reform. Mr. Bright and Mr. Locke-King in Parliament, and others outside, sought to revive an interest in the question, and were so far successful that Mr. Disraeli was induced to try his hand at a Reform Bill, which he introduced on February 28, 1859. His attempt brought Lord John Russell to the front again, but both the Bill of the former and the resolution of the latter suffered defeat. Mr. Bright then propounded a scheme, but he also failed. It was thought, indeed, that so long as Palmerston lived further reform was out of the question. In this view the working-class leaders then to the front did not concur—they in fact resented it as a cowardly policy.

17. *Meetings in London.*—After long meditation and discussion it was resolved to start another agitation, and the “Manhood Suffrage and Vote by Ballot Association” was established, the inaugural meeting in the Freemasons’ Tavern being pronounced a great success. Several meetings

were held in London, the last of which ended in a sad tragedy—Washington Wilks fell dead on the platform during his speech. This was at the St. James's Vestry Hall. Soon afterwards the leaders were approached with the view of reconstructing the Association or of starting a new one on similar lines. The first proposal was to substitute "Household" for "Manhood" Suffrage. To this proposal the leaders would not listen.

18. *The Reform League*.—After further negotiation and discussion it was agreed to call a meeting to consider the question. The meeting was held during 1864, when it was resolved to establish the Reform League, its objects being: Registered Residential Manhood Suffrage and the Ballot. Mr. Edmond Beales was elected president, and the present writer secretary of the new body. A large Council was elected, and from them an executive. No. 8, Adelphi Terrace (now No. 9) was secured as offices, which the League occupied until its dissolution in 1869.

19. *Reform Bills, 1866 and 1867*.—This is not the place in which to discuss the principles, policy, or action of the Reform League. Hated as it was by a section of the community, it accomplished most of the work for which it was established, or so paved the way that it was no longer needed as an organisation. Mr. Gladstone's Reform Bill of 1866 was an outcome of its work, and the Reform Act of 1867 was a result of its labours, while the Acts of 1884-5 was a consequence thereof.

20. *Middle-Class Support of Enfranchisement*.—Many of the men who stood side by side with the labour leaders in the American war against slavery, and in other movements mentioned, did not desert them in the reform struggle. It was thought at one time that Mr. Cobden might become our president, but his lamented and unexpected death put an end to that hope. Mr. Bright stood by us to the last, though he did not fully endorse our programme, and never joined the League. Many of the largest subscribers to its funds

were personal friends of John Bright, given upon his recommendation. Mr. Samuel Morley was always a generous donor, as were also Sir Wilfrid Lawson (the present Baronet's father), Sir Titus Salt, Messrs. Thomasson, Hargreaves, Pennington, P. A. Taylor, Wm. Leaf, and some members of Parliament then in the House.

## CHAPTER XVII

### LABOUR MOVEMENTS, STRIKES, AND LEGISLATION IN THE SIXTIES.—III.

ONE other movement, extraneous to industrial questions, requires to be noticed here, not only because of the significance of the subject in itself, but because it was the proximate cause of an international endeavour to bring about what was then termed the "solidarity of labour." The "proletariat" sought to "fraternise," not only politically, but socially and industrially, and upon one subject—Poland. There was such a consensus of opinion that it brought together men of different nationalities, with the view of influencing European Governments to interfere on behalf of that oppressed and unhappy country by restoring to her liberty and self-government.

1. *Poland and the Proletariat.*—Perhaps no country ever evoked more general sympathy among the nations than Poland. This sympathy was not confined to any one section of the people. It was voiced in many ways—by a "Society of the Friends of Poland," by the "Fraternal Democrats," the Polish League, and by other bodies. From 1830 especially there was a feeling of indignation against Russia for her cruel suppression of the revolt at Warsaw—a revolt brought about by the illegal acts of the Grand Duke Constantine. The Emperor's message, "Order reigns at Warsaw," sent a thrill through Europe, for the peoples understood that "order," as there mentioned, was the silence of death,

the voicelessness of the tomb. In the case of Poland the revolt was not so much that of the masses of the people, crushed by tyranny and reduced to serfdom, as it was of the nobles, the professional, and the trading classes. Hence perhaps some of the widespread sympathy.

2. *Labour Leaders' Sympathy with the Poles.*—The feeling evoked in 1830, and indeed previously, was kept alive during the thirties, forties, and fifties by the revolutionary movements on the continent of Europe by the Chartists, Fraternal Democrats, by the "Friends of Poland," and members of the Polish League. As a matter of fact it needed little to keep alive the resentment against Russia beyond the reports of her barbarous methods of retaliation and cruel methods of suppression. In the early sixties the feeling of exasperation revived, by reason of Russia having declared Poland in a state of siege in October, 1861. This was more especially the case among sections of the working classes, and an interchange of views took place between some British labour leaders and representatives of the proletariat in France, Germany, Switzerland, Italy, and other countries. Meetings were held, and the Government was urged to interpose on behalf of the "downtrodden Poles." So far as I can remember—and I was mixed up with this and all other similar movements—the British Government was not urged to take up arms in behalf of Poland, but to use its influence with Russia, in order to secure some mitigation of the severity of her crushing, tyrannical, military rule.

3. *Polish Revolt against Conscription.*—In January Russia promulgated an order of conscription, and on the 14th of that month the Poles rose in revolt against it. The object of conscription was, according to Lord Napier, "to make a clean sweep of the revolutionary youth of Poland; to shut up the most energetic and dangerous spirits in the restraints of the Russian army; to kidnap the opposition, and carry it off to Siberia or the Caucasus." It is reported that, on the first night of the "Order," the houses in Warsaw were

entered, and 2,500 men were forcibly carried off to serve. Next day thousands took to flight, and forthwith commenced an organised resistance over the whole of Poland against the decree, a central committee being formed at Warsaw to direct what was to be another struggle for freedom.

4. *Britain's Protest.*—That Lord Palmerston was more or less in sympathy with the efforts on behalf of Poland is, I think, well known. Certain it is that he contributed £2 towards the expenses of a meeting held in support of the Poles; but he was discreet enough not to express any opinion on the subject to the deputation that waited upon him—in fact he dexterously avoided the question upon that occasion. On March 2nd, 1863, Earl Russell indicated the views of the Government in a dispatch to the British Minister at St. Petersburg, in which he said that “Her Majesty’s Government views with the deepest concern the state of things now existing in Poland.” He goes on to state that Great Britain’s interest in the question was “as a party to the Treaty of 1815, and as a Power deeply interested in the tranquillity of Europe.” He suggested “an immediate and unconditional amnesty,” and the granting of “political and civil” rights. But the “bloody conflict,” as he termed it, went on, and on May 3rd the Polish Central Committee declared itself a provisional Government. On June 17th Earl Russell forwarded to Russia, through Lord Napier, an outline of measures agreed to by England, France, and Austria; and on the 19th there was a discussion in the House of Lords concerning the atrocities committed by Russia in Poland. On July 1st Russia replied to the Joint Note by refusing to discuss the six points submitted, and on the 20th a debate on the question arose in the House of Commons.

5. *The International Working Men’s Association.*—Those who imagine that international trade unionism is an invention or development of recent date are mistaken. Efforts were made in that direction in the thirties and forties; and early in 1862 an approach-

ment was made to the London Trades Council by the Neapolitan Working Men's Association by an Address, which was replied to in another Address, written by me as secretary to that Council. But all such attempts to effect a "solidarity of labour" failed. I gave some reasons for such failure in my reply to the Neapolitan workmen in 1862. The chief was the difference in organisation and aims. In England trade unions, I said, are purely industrial, dealing with labour; on the Continent they are for the most part political, labour being one of many objects, not the sole object. The difference is less to-day than it was forty years ago, but it still undoubtedly exists.

6. *Events that Led to its Formation.*—The events relating to Poland, previously adverted to, were the proximate cause of constituting the International Working Men's Association. It arose out of the meetings and action regarding Poland. But other events relating to Italy, Hungary, the United States, and the formation of the Reform League contributed to that event, and led up to it. It was agreed to establish the "International" at an assembly of prominent workers in the cause of labour and political advancement, held in the smoke-room of a public-house in Long Acre, after the conclusion of a meeting held in the then St. Martin's Hall. A preliminary committee was elected to draft a constitution, frame rules, and prepare an Address.

7. *Its Objects and Policy.*—The essential story of the "International" has been told by me in the *Nineteenth Century* (July, 1878), the details of which need not be repeated here. For five years that association was regarded with horror by the crowned heads of Europe, or that impression was created by references to it in the Press by some statesmen—British and Continental—and by what is termed "diplomats," who are by no means diplomatic in matters relating to political, social, or industrial movements. It was reported that the wisacres who represented foreign courts, as ambassadors to this country, more than once proposed a general European

law to suppress the "International Working Men's Association." Its members, especially the officials and members of the council, were traduced and denounced, as though the object of that association was universal revolution by violent means, even, if need be, by assassination. Pure invention, the whole of it. The assassins, if any there were, consisted of the slanderers of the founders who constituted the association and council of that much maligned body. They did not stab with an assassin's knife, but with the pen—which is said to be mightier than the sword. The blow was struck in the dark, behind the victim's back, probably in the hope that the wound would rankle and incapacitate the victim, even if it did not physically kill him. Politically that was intended. I speak as one who knew the founders and all members of the council during several of the first years of its existence, and I declare that no doctrine was broached or proposal made which could not have been publicly stated on any English platform while I was a member of the council.

8. *Its Programme.*—The objects of the International were political and industrial. They embraced all that pertains to citizens' rights—civil and religious liberty, the rights of labour, the fraternity of nations. The terms "proletariat" and the "solidarity of labour" represented its ideal of labour's Utopia. Higher wages, shorter hours of labour, better conditions of employment, abolition of child labour, extended education, and freedom to associate for the promotion of these and other objects constituted the main purposes of the association. It did not favour State regulation and control to the extent now advocated by the Social Democratic Federation and similar bodies of recent times; it did not even clamour for an eight hours' day by Act of Parliament. It pronounced in favour of the eight hours; but no resolution of that body was ever passed, so far as I know, in favour of legislation to procure and enforce an eight-hour day.

9. *Restraining Force of London Council.*—Dr. Karl Marx was its president, but some of the theories con-



nected with his name were not then known to his colleagues, and I am not sure that they had at that date been even propounded. That some of the Continental branches may have advocated extreme measures is doubtless true. The conditions were different. Revolution is native to the soil, as it were, in some countries. But the council sat in London ; its members were well known as peaceful men, even if Radical in politics. The congresses were public ; council meetings were reported, it supported one newspaper for that purpose. If it inspired fear, it was because of the rightfulness of the avowed objects which it advocated, not by reason of its violence or secret designs.

10. *Master and Servant Acts*.—The first legislative result of the closer collective action of labour leaders and their constituents, the trade unions of the country, was an amendment of the Master and Servant Acts in 1867. The movement in this case was initiated by the trades of Glasgow, for reasons that will appear later on. On April 20, 1864, a conference of representatives of the organised trades of Glasgow met at the Bell Hotel, Trongate, to consider the laws affecting workmen under contract of service ; at that meeting an important Memorandum and Statement of the Law was presented by Mr. Strachan, Writer to the Signet, prepared at the request of the committee of the trade unions of Glasgow. The statement having been adopted, an Appeal was also adopted to be sent to trade unions generally, signed by the conveners, Alex. Campbell, secretary ; George Newton, treasurer ; and A. J. Hunter. Mr. Strachan was requested to draft a Bill, in order to have something tangible to put before the trades of the United Kingdom.

11. *Conference in London*.—As a result of that conference, and the subsequent labours of the committee elected to carry on the work, a conference of representatives of labour was held in London, at the offices of the "Universal League for the Welfare of the Working Classes," on May 30, 1864, and three following days. Among those present, in addition to the delegates from Glasgow, were George Odger, George Potter, Robert

Applegarth, George Howell, Daniel Guile, T. J. Dunning, Thomas Connolly, Alex. Macdonald, Wm. Dronfield, and George Austin, from Sheffield, and many others. The conference passed resolutions on the subject of hiring under the existing law, and solicited an interview with Sir George Grey, Home Secretary, and Mr. Milner Gibson, the President of the Board of Trade.

12. *Deputation to Minister.*—Sir George Grey replied that he was too busy to receive a deputation, but Mr. Milner Gibson consented. After hearing the views of the deputation, he expressed general concurrence in their claims. A conference of members of Parliament was subsequently held in the Tea Room of the House of Commons to hear the deputation on the subject. Those present agreed in the view that a Bill should be prepared, and Mr. Cobbett, M.P., consented to take charge of such Bill. A number of members promised to support it, among others Messrs. Sheriden, Williams, Locke, Ayrton, Cox, Beecroft, Denman, Solomons, Kinnaird, Black, Hadfrid, Roebuck, Taylor, Forester, Jackson, Lord Fermoy, and several others.

13. *London Conference, 1867.*—The report of that conference was issued on June 18, 1864. The committee continued their work quietly and perseveringly, but made little headway until 1867. In March of that year a conference was held in St. Martin's Hall, London, called together in consequence of a decision in the Court of Queen's Bench, and with the view of supporting the Bill before Parliament, then in charge of Mr. Charles Neate. That conference dealt with the position of trade societies as affected by the decision of *Hornby v. Close*, and the Royal Commission on Trade Unions, especially as regards holding the inquiry with open doors. It was reported that 160 delegates were present at the conference, representing 200,000 members of unions directly, and a further 400,000 indirectly.

14. *New Bill.*—The committee elected to promote a measure for amending the Master and Servant Acts continued their work, and at last were fortunate enough to

secure the services of Lord Elcho—now Lord Wemyss—who took charge of the prepared Bill. The Bill was so far supported that it was read a second time and referred to a Select Committee in 1866. In the following session (1867) the Bill was reintroduced and became law as “An Act to amend the Statute Law between Master and Servant” (30 & 31 Vict., c. 141).

15. *Review of Provisions in Force.*—Before describing the provisions of the Act of 1867 it is essential that the enactments in force prior to that Act should be briefly indicated. The statutes in force were seventeen in number, and there were four others that applied. Under the first of the former (1747) any justice or justices, upon complaint by master or employer, could issue warrant or summons, and hear, examine, and determine the same, and punish the offender by imprisonment. Under the second (1766) any justice could issue warrant for the apprehension of the offender, which power was extended in the Act of 1823. Those statutes applied to all workers in all trades, except domestic servants. In England, by 11 & 12 Vict., c. 43 (1847–8) a justice or justices could, in the first instance, issue warrant or summons; in Scotland the process could only be by warrant prior to 1867. Hence the anxiety of the Scottish workers for an amendment of the law. If the charge was unfounded the workman had no remedy against his accuser, even though he had suffered imprisonment under arrest. By one enactment justices had no alternative as to punishment, except to imprison. The average number of prosecutions under those Acts were 1,100 a year in England and Scotland alone. This computation is given in the “Statement” and “Appeal” of 1864, and was repeated in 1867. The inequality of the law was the main point urged—the employer could only be summoned, the worker could be apprehended by warrant; imprisonment only was the punishment for the worker, fine or damages and costs was the penalty for the employer if the case went against him, which was seldom.

16. *Act of 1867—its Character.*—The Master and

Servant Act, 1867, was not all that could be desired, and within eight years it was destined to be repealed, and also the other seventeen enactments referred to in the first schedule. That Act took away the power of issuing a warrant in the first instance, and arresting the alleged offender. The power of a single justice of the peace to act was abolished. Power of imprisonment, without option of fine or damages, was apparently restricted to cases of serious injury to persons or property. But power to abate wages was retained. Workmen, instead of being "convicted," as under previous Acts, were subjected to an order of the court the same as employers. The hearing also was to be in open court, and not in the justice's own private room, as it could have been, and often was, previously. Power of appeal was also given in the Act of 1867; and workmen were allowed to give evidence, as employers were always able to do under then existing Acts. Both parties were thus placed on a level in these respects.

17. It took four years of hard work to effect the improvements in the law above adverted to. But the labour was not wasted. The Act was a piece of remedial legislation, carried in a Parliament not otherwise remarkable for its sympathy with labour. It did not achieve all that the labour leaders of that day desired and contended for, but they were wise enough to help Lord Elcho in his rather difficult task in order to secure one more step in the cause of labour. Had they pressed too closely for a more advanced measure, there can be little doubt but that the Bill would have been thrown out, and further delay in legislation would have ensued.

18. *Conciliation Act*, 1867.—This measure deserves mention by reason of its intention, not because of any good by it accomplished. It was originally promoted by the "National Association of United Trades," the Bill being introduced by Mr. Mackinnon. Subsequently Lord St. Leonards took charge of the measure, it being redrafted. It proposed to create courts of conciliation, elected by the residents in the locality, on the basis of a wide suffrage.

The London Trades Council agreed to support the measure. Mr. George Odger and I were deputed to wait upon the noble lord at Boyle Farm, Thames Ditton, in conjunction with Mr. T. Winter, representing the before-mentioned association. We went through the Bill with Lord St. Leonards, who, knowing that I was then the secretary of the Reform League, and Odger member of the council, explained why he based his Bill upon so wide a suffrage. "I could not help it," the noble lord said; "on no other basis would these courts of conciliation command the confidence of the workpeople."

19. *Utter Failure of the Act.*—The Act was passed in 1867, but it was inoperative from the first. It could not indeed be otherwise, for it continued all the limitations in the Act of 1824 as regards fixing or regulating rates of wages. It prohibited the courts from fixing a future rate of wages! What, then, could they do? In wages disputes it is the future alone that can be dealt with. You may limit the period of its operation to a week, month, six months, or a year, but the award must deal with the future. As the Act prohibited this, it was a dead letter from the day of enactment till its repeal.<sup>1</sup>

<sup>1</sup> See on this subject Chap. XXXIX., "Arbitration and Conciliation."

## CHAPTER XVIII

### LABOUR MOVEMENTS, STRIKES, AND LEGISLATION IN THE SIXTIES.—IV.

FOR nearly forty years trade unionism had been making steady progress, both in Great Britain and Ireland. There was scarcely an industry of importance in which some kind of society had not been established. Some, indeed, had been of a temporary character, the basis not being sufficient for a permanency. Many were still local unions, isolated in action, and not strong financially or numerically. Others had gone ahead, but on the old lines ; some of these were powerful, by reason of numbers and funds, and by compactness of organisation. In the building trades the Masons' Society was the most powerful. In London the bricklayers were strong, with numerous branches and a large roll of members, but it was metropolitan only. The Manchester Unity controlled Lancashire, Cheshire, most of Yorkshire, and some of the Midland districts. The carpenters had a general union, the seat of government being Nottingham. In London there were many local unions, and also in the provinces. Shipwrights, boilermakers, ironfounders, pattern makers, ironworkers, boot and shoemakers, tailors, textile operatives, plumbers, painters, hatters, tinplate workers, miners, cabinetmakers, compositors, printers, bookbinders, and numerous other trades had unions of long standing—some strong, others weak, mostly local in character, and consequently limited in influence. The several unions in

one industry occasionally co-operated when circumstances required it, as did also all unions in times of stress and strain; but usually such co-operation ended when the temporary stress was over.

1. *Reorganisation, Consolidation, Amalgamation.*—During the period of fifteen or sixteen years out of the forty years adverted to, there had been a growing tendency towards consolidation. To effect this, reorganisation was, in most instances, essential. The work was not easy or slight. Local prejudices had to be overcome. Independence had to be sacrificed. Private interests had to be consulted and satisfied. The officers and committeemen of local unions had to be conciliated, claims to be adjusted and arranged. All this had to be done by the pioneers in the engineering branches of trade, during negotiations for amalgamation in 1850, before the Amalgamated Society of Engineers could be launched, which was successfully done on January 1, 1851.

2. *Influence of Society of Engineers.*—The work of organisation progressed slowly and surely, from 1825 to 1850. During the next ten years all eyes were turned more or less to the Society of Engineers, and gradually it became a model union in the estimation of the labour leaders; one to be copied and followed, or at least imitated, as far as circumstances and the nature of the trade affected permitted. Where the members of the union and the officials and leaders could not see their way to adopt the constitution, rules, and benefits of the Society of Engineers, reorganisation was carried on suitable to the requirements of the members, especially in the matter of benefits and methods of management. Nearly all of the more important trade unions now in existence have been reconstituted, remodelled, reorganised, or newly established since 1850. In the case of unions founded before that date the changes effected have been great, equal in most instances to reorganisation.

3. *Amalgamation of Unions.*—The Nine Hours' movement in the building trades, and the other movements to which attention has been called, gave an impetus to the work

of organisation and reorganisation. The first body to attempt reorganisation and amalgamation on the lines of the Engineers' Union was the carpenters and joiners, the first steps towards which were taken in the winter of 1860-61. The Amalgamated Society of Carpenters and Joiners was the outcome of the action then taken. The general union did not, however, come in as a body, though some branches did. The Tailors similarly amalgamated. The Boilermakers' Union was reconstituted as "The Boilermakers' and Iron Shipbuilders' Society." The Bricklayers' Union was reconstituted, with extended benefits, on the basis of a national union, instead of being metropolitan, as formerly. The ironworkers, miners, and other bodies followed on the same or similar lines, or as nearly approaching to them as circumstances permitted.

4. *How regarded by the Public.*—Naturally, all this was watched by employers, politicians, and the public with mixed feelings; some with fear because of the growing power of the unions, others with sympathy more or less openly expressed; by some with bitter resentment, because the masses of the working people were becoming a factor to be reckoned with at the hustings. Employers were not all of one opinion. Some regarded the unions with suspicion, and threatened resistance and defiance. Others saw in their growth an element of safety, less violence, more prudence, a readiness to hear reason. "Strike but hear" was often hurled at the unions; now, said some employers, they will hear as well as strike.

5. *Proposed Royal Commission on Trade Unions.*—At no period in the history of labour up to 1867 had labour leaders stood higher in public estimation, or were trade unions more free from vituperative attack than in the autumn of 1866. It almost seemed as if old feuds were about to be forgotten, and that more cordial relations were about to commence between employers and employed. Representatives of capital and labour frequently met in the political arena, and spoke from the same platforms on the questions of the day. Politicians of the "Manchester school" and trade union officials were less at variance,



or their differences were laid aside in view of other questions upon which they were generally agreed. Then the unexpected happened. A bolt from the blue disturbed the atmospheric conditions, and suddenly the old conflict was renewed.

6. *The Sheffield Outrages.*—There were rumours in the air of Sheffield outrages, but at first these were regarded as revivals of old charges, and workmen had a suspicion that some of them at least were trumped up. There was the old case against the saw-grinders of Sheffield of attempting to blow up the house of Finley on January 11th, 1859. Then, on November 23, 1861, there was a charge against Thompson for the Acorn Street outrage, who was tried on March 17, 1862. The jury found a verdict of not guilty. Three other grinders were tried on the following day on the charge of blowing up a shop at Thorpe. They were all found guilty, each being sentenced to fourteen years' penal servitude, but later on they received a free pardon on the ground that they were not the perpetrators of the outrage. Then, on October 15, 1866, came the report of the blowing up with gunpowder of the house of Fearneyhough, as alleged, by agents of the Saw Grinders' Union. A reward of £1,000 was offered by the Sheffield masters and £100 by the Government for information leading to the discovery of the perpetrators. An outcry against trade unions followed, and on February 8, 1867, the Home Secretary brought in a Bill to enable Commissioners to take evidence upon oath respecting trade-union outrages at Sheffield.

7. *Attitude of the Trades.*—The allegations made at the time, before the inquiry was instituted, filled men's minds with horror. Those who felt it most perhaps were the labour leaders and trade union officials, especially those in London. The Trades Council sent George Odger down to Sheffield to inquire, and his confidential report confirmed our worst fears that some of the outrages were instigated by and paid for by the union indicated or named. The Sheffield unionists were also horrified at the charges, and they joined hands with those in London in demanding the

most searching inquiry, in order to clear up the mysteries, bring home the crimes to those responsible, and exonerate those who were not to blame.

8. *Demands for Inquiry*.—The demand for an inquiry was formally made by a resolution of the Sheffield Town Council on October 29, 1866, but it confined itself to "the cause or causes of the explosion in Hereford Street." A deputation was appointed to wait upon the Home Secretary to urge inquiry, and he appointed November 13th to receive the deputation. On November 6th the London trades requested the Sheffield Town Council to allow a deputation appointed by them to accompany that from Sheffield, but this was refused. The Home Secretary, however, consented to receive a deputation from the London trades on November 17th. The Sheffield deputation, consisting of members of the Town Council and leading employers of the town, had a private interview with the Home Secretary, reporters not being admitted. The object, so far as can be gathered from what took place in the Council and statement of the Mayor, was "to urge the appointment of a Commission to inquire into the cause or causes of the explosion in Hereford Street," the Mayor saying in reply to Mr. Alderman Saunders, that "the deputation of this Council must confine itself entirely within the resolution." A general inquiry was not asked for.

9. *Action of London Trade Unions*.—The London Trades' deputation specifically requested the Home Secretary to admit reporters, but this he refused to do. The difference in the attitude of the two deputations was pointedly adverted to in the Sheffield Town Council at the meeting following, when the Mayor gave his meagre and unsatisfactory report. Mr. Alderman Ironsides said "that secrecy in a matter of such public importance was unwise and underhand, it was not honourable or straightforward." Mr. Alderman Saunders said: "Wherever there was secrecy there was corruption; the affair was a miserable one, and the sooner it was forgotten the better." The action of the London Trades was commended for its

straightforwardness, while that of the Council was condemned by the above-named speakers. The Sheffield deputation asked for a limited inquiry, that of the London Trades boldly demanded a full and searching inquiry into the whole subject.

10. *Conduct of Labour Leaders.*—The conduct of the labour leaders at that date deserves to be accentuated by reason of the denunciations in the Press, in Parliament, on the platform, and in the pulpit. I was personally acquainted with almost every man of prominence in the labour world during those anxious years, and was associated with them in all labour movements; and this I can honestly say, that I never heard one of them excuse or palliate the outrages complained of, much less sanction or condone them. They were as honest in their denunciations as employers and others, and were far more insistent in their demands for a thorough investigation into all the allegations made than most of their critics. In this sweeping statement I include Mr. Wm. Dronfield and his colleagues in Sheffield, all except the few shown to have been implicated in the outrages, to the consternation of most of the Sheffield workmen.

11. *Appointment of Royal Commission.*—Early in 1867 the Government resolved to appoint a "Royal Commission to inquire and report on the organisation and rules of trades and other associations, with power to investigate any recent acts of intimidation, outrage, or wrong alleged to have been promoted, encouraged, or connived at by such trade unions or other associations." Extra powers were conferred upon that Commission by the Trade Union Commission Act, 1867, and by an Extension Act in the same session. Practically the powers vested in the Commission were unlimited, and thus it was able to unearth the terrible crimes which had disgraced the annals of trade unionism in Sheffield, Manchester, and one or two other places.

12. *Attitude of the Press and Public.*—The object of the Commission was clearly indicated by the mover and seconder of the Address in the House of Commons on

February 5, 1867. It was not merely or only to unearth outrage and wrong and bring the perpetrators to justice, but to give a pretext to the Government to suppress the unions or materially to curtail what little liberty the law had given to them. The inflammatory articles in newspapers and the attacks of public men had to some extent prepared the way for such contemplated action. Files of newspapers for 1865, 1866, and the early part of 1867 prove this. I quote one sentence from the *Daily News*, not always the most violent against the unions, thus: "The unions must be stamped out as a public nuisance." This was the attitude of the Press generally, with a few exceptions; it was also the attitude of a large number of members of Parliament and other public men.

13. *Friends of Labour Appointed on the Commission.*—Under these circumstances the labour leaders and officials of trade unions throughout the country, especially those in London, took counsel together and resolved to act on behalf of labour. One of the first things attempted was to endeavour to place two men on the Commission specially to look after the interests of labour. The two men proposed were Thomas Hughes and Frederic Harrison. They wanted no favour, they only asked for an impartial inquiry and fair play. They knew that Messrs. Hughes and Harrison would try to secure this; they also knew that they would not condone crime or even minor offences against the law. In the end, after much effort and some resistance, Mr. Thomas Hughes, M.P., and Mr. Frederic Harrison were appointed on the Commission.

14. *Labour Representatives Allowed to Attend.*—The labour leaders next endeavoured to secure an open court for the inquiry; in this they were unsuccessful, but what they did secure was permission for some representatives of labour to be present to hear the evidence. In no other way could the trade union leaders get to know what evidence was being given, so as to bring rebutting evidence if found to be necessary. Thus two very important concessions were obtained, viz., the appoint-

ment of Messrs. Thomas Hughes, M.P., and Frederic Harrison on the Commission, and the presence at the sittings of representative men deeply concerned.

15. *Exclusion of Labour at Previous Inquiries.*—Up to that time all inquiries affecting labour had been made quite irrespective of workmen's claims or interests. They were called as witnesses as required, and examined by hostile members of Commissions of Inquiry, or Select Committees, but never once had a workmen's representative a chance of examining an employer. The unfairness of the position is obvious. However fair the members may have been, they necessarily took the employer's view rather than that of the workman. They could not help being influenced by newspaper articles and other public utterances, nearly all of which were at that period antagonistic to labour as represented by trade unions. Even the best of employers regarded them with suspicion, and Society, representing the classes, denounced them. Trade unionists were placed at a further disadvantage by the secrecy or semi-secrecy of the inquiries instituted. There was little or no opportunity of testing the accuracy of replies to questions until it was too late, namely, on the publication of the official report.

16. *Scope of the Inquiry.*—What now remained to be done was to watch the proceedings of the Royal Commission and of the Sub-Commissions in their inquiry and to take such action from time to time as was deemed to be necessary. The first step taken was to convene a great meeting in Exeter Hall on February 21, 1867, to take into consideration the recent decision in the Court of Queen's Bench (*Hornby v. Close*), the Royal Commission, and Mr. Charles Neate's Bill for the protection of the funds of trade societies. The Amalgamated Society of Engineers took the initiative; then a committee was formed of representatives of the chief London trades and of the London Trades Council. In the work which followed Mr. Robert Applegarth took a very conspicuous part. He it was who sought to combine the two deputations on the subject of appointing a Royal Commission,

and it was he who arranged the interview with Mr. Roebuck on November 12th, attended by Messrs. Dronfield and Austin, on the same subject. Mr. Roebuck arranged with the Home Secretary for the interview on November 17th. Mr. Roebuck had taken a leading part in the denunciation of the Sheffield unions for their supposed implication in the outrages, and he was asked to introduce both deputations to the Home Secretary. His party action and expressions were all the more resented because he had previously championed the cause of trade unions. It is, however, only just to his memory to say that he agreed on that occasion with the demands of the unions for a full and fair inquiry into the subject and suggested that it should extend over the previous ten years—1857 to 1867—a suggestion endorsed by the unions.

17. *Committee of the Trades.*—The representative committee called into existence by the conference of trades did not confine themselves to the proceedings of the Royal Commission. They had done what they could to get a representative workman on that Commission and to prevent its sittings being held with closed doors. They had, by public meetings in Exeter Hall and elsewhere, challenged their adversaries on the charge of complicity, directly or indirectly, with the outrages in question; they not only publicly repudiated any connection with or knowledge of such outrages, but they denounced in the most emphatic way and specifically the crimes and offences alleged to have been committed, for at that date no “disclosures” had been made respecting any case of outrage.

18. *Composition and Work of the Commission.*—The Royal Commission proceeded with its work. Evidence was tendered, frankly and fully, by the officials of the chief unions. Mr. Robert Applegarth was under examination four days, and gave important evidence as to the constitution and rules of trade unions, their action in cases of disputes and strikes, as to the unprotected state of their funds, and other matters. Similar evidence was given by other trade union officials and men connected with labour

movements ; in no case was there a hint of hesitancy to give information. The inquiry was ably and impartially conducted under the presidency of Sir William Erle—the Earl of Lichfield, Sir Edmund W. Head, Mr. Herman Merivale, Mr. James Booth, Mr. J. A. Roebuck, M.P., Mr. Thomas Hughes, M.P., and Mr. Frederic Harrison being the other Commissioners. The inquiry was searching, extended, and complete.

19. Those who expected any serious disclosures from that Commission were doomed to disappointment. (But all eyes turned with anxiety to the special Sub-Commissions sitting at Sheffield and Manchester. As the operations and plans of the few men implicated in the outrages were unfolded and disclosed there was a feeling of horror throughout the country, and gloom pervaded the minds of labour leaders as to the possible outcome of the inquiry.) It was felt by the latter that possibly the work—good honest work—of many years would be shattered, and that legislation in a panic might ensue. There was a feeling of anger also against the men who had so hoodwinked their fellows, deceived and brought disgrace upon them, and jeopardised the cause of labour. They felt that their honour was at stake, as well as the cause they represented. Those were days of deep anxiety, as well as of gloom, as to the possible result of those disclosures. Yet there was a feeling of confident hope that the whole of the trade unionists of the country would not be made to suffer for the wrong-doing of a few. They could not believe that trade unions would be stamped out, or that an attempt would be seriously made to do so, because two or three local unions had lent themselves to unlawful purposes. But hope was mingled with fear. (The cases proven were so horrible in design and execution, that an indignant public might in retaliation demand suppression.) This state of suspense lasted a considerable time—throughout 1867 and 1868 ; meanwhile the labour leaders awaited the Final Report of the Royal Commission with grave anxiety, wondering what “recommendations” would be made.]

## CHAPTER XIX

### ROYAL COMMISSION : FINAL REPORT, AND AFTER

**A** PART from the serious circumstances and events which led to the appointment of the Royal Commission, and the terrible disclosures which followed, the inquiry, however necessitated, was at that time regrettable, for the special reason that employers and their workmen were getting to understand each other better. The antipathy of employers to labour leaders—officers and delegates of trade unions—had abated somewhat. They had met each other in political and other public movements in which they had a common interest, and respecting which they were found generally to agree and willing to co-operate. The fear was that the inquiry would revive old antagonisms, and that probable conflicts between labour organisations and employers would mar the mutual intercourse that had arisen. On the other hand the inquiry was opportune from this standpoint,—that electoral reform was to the front ; each political party in the State was committed to it, and a settlement of the question, on some lines, was certain and immediate, for, in the then state of the country, it could not be delayed. In this respect agitation had effectively done its work.

1. *Mr. Gladstone's Reform Bill, 1866.*—In 1866 Mr. W. E. Gladstone introduced a Reform Bill which, though deemed to be inadequate by the working classes, was largely supported, on the ground that it was a considerable instalment and would give political power to at least a large section of the community hitherto outside the pale



of the constitution. Mr. Gladstone was defeated in committee on the question whether the franchise should be based on rating or rental, and the Government resigned. Earl Derby was thereupon entrusted with the formation of a Ministry by the Queen, without going through the ordeal of a General Election.

2. *Mr. Disraeli's Reform Bill*, 1867.—On February 25, 1867, Mr. Disraeli introduced a series of resolutions, preliminary to a Reform Bill, based on rating, with enfranchising and other proposals. On the 27th he abandoned his resolutions, and announced his intention of bringing in a Bill. On March 18th he introduced his Bill, in which he proposed, “as a security against the mere power of numbers, a system of checks based on residence, rating, and dual voting.” After various changes in committee, which so altered the measure that one prominent member of the Conservative party, Lord Cranbourne, now Lord Salisbury, declared there was nothing left of the original Bill but its title; the measure thus altered was carried, and became the Reform Act of 1867.

3. *Effect of Reform Act*, 1867.—The enfranchisement of large numbers of the working class, by the provisions of that Act, vastly increased the influence of labour leaders in the constituencies, and the power of the working classes at the polling-booths. Hitherto large masses of the people could only shout and hold up their hands at the hustings; now a considerable proportion of them could vote. This change in the situation was in itself sufficient to alter the tactics of the Government upon the question of legislation respecting trade unions, inasmuch as any proposed action would necessarily have to be submitted to the constituencies at the General Election. At all the great meetings and demonstrations of that date, the franchise as a right, the claims of labour, the protection of trade union funds, and other such like questions were kept well to the front by labour leaders.

4. *General Election*, 1868.—Obviously an appeal to the constituencies could not be long delayed, however inclined to do so the Government might be. In order,

perhaps, to raise the issue, and possibly to ensure an early dissolution, Mr. Gladstone gave notice on March 23, 1868, of a series of resolutions on the Irish Church as an Establishment. That was the political programme upon which the Liberal Party intended to fight, and on March 30th the proposal to go into committee on the resolutions was carried by 331 to 270—majority 61. After a debate extending over eleven nights the first resolution was carried by 330 to 265—majority 65—on April 30th. The second and third resolutions were carried without a division on May 7th. A Bill on the question was introduced by Mr. Gladstone on May 14th. This action of the Liberal leader settled the political issues upon which the General Election were to be fought.

5. *Conduct of Labour Leaders.*—The influence of labour leaders was now sought on all hands in view of the approaching General Election. Politically, they were in general accord with the Liberal Party; but they never swerved in fidelity to the cause of labour. Neither Conservative nor Tory, Liberal nor Radical, went unchallenged as regards the protection of trade union funds, and the right of free association for the mutual advancement of, and better conditions for, labour. Nearly every constituency in England and Wales, many in Scotland, and some in Ireland, were visited, the special fund for which was mainly contributed by large employers of labour, no conditions being attached as to the advocacy of proper and efficient legislation in favour of trade unions, and the rights of labour generally. Some sturdy Liberals, as candidates, had to bend the knee in that contest, or run the risk of losing their seats at the election.

6. *Labour Candidates.*—The General Election took place in the autumn of 1868. Several working-class representatives were chosen to contest seats, but only two, Mr. W. R. Cremer, at Warwick, and the present writer, at Aylesbury, went to the poll. Needless to say that both were defeated. But the proposal to send special representatives of labour into the House of Commons took root, and in the election following, that of 1874, two

such men were returned—Mr. Alexander Macdonald for Stafford, and Mr. Thomas Burt for Morpeth.

7. *Results of General Election.*—Meanwhile the investigations of the Royal Commission went on. [Voluminous evidence was taken. At Sheffield and Manchester atrocious outrages had been unearthed, and the names of the perpetrators had been disclosed, and these had themselves confessed their crimes, or their complicity in them.] The world at large knew the worst. The labour leaders were no longer down-hearted. They also knew the worst, and felt more confident as to the final result. In the reform agitation, and in contests in constituencies at the General Election, their voices were heard on thousands of platforms, pleading for labour's rights, as well as for citizen rights, and they pleaded not in vain. Before the election closed they knew that all danger of attempts to suppress the unions was at an end. They knew also that a measure to protect the funds of trade unions was assured. The threatened strained relations between leading employers of labour and representatives of industrial associations no longer loomed large on the horizon. Mutual confidence was to a large extent restored, and politically the labour leaders were more than ever closely in touch with the statesmen in whose hands rested, for the time being, the destinies of the British Empire.

8. *Final Report of the Royal Commission.*—The entire proceedings of the Royal Commission, including the inquiries by the Special Commissions at Sheffield and Manchester, were embodied in seventeen reports, the eleventh, or "Final Report of the Commission," being that in which the Commissioners propounded their conclusions and recommendations. It was not issued until 1869. An early intimation of the result of the inquiry was given by Mr. Frederic Harrison, one of the Commissioners, in a speech delivered on April 21, 1869, in which he "congratulated the workmen of the country on the fact that outrages were found to exist in only two places—Sheffield and Manchester; and the Commission, in their report, did not recommend any exceptional legis-

lation in the matter, though Mr. Roebuck, Mr. Merivale, and Mr. Booth were the most determined opponents of trade unions." Again, on May 28, 1869, Mr. Harrison said: "The charges brought against the members of these (trade) societies had in the main broken down during the inquiry by the Royal Commission. The great bulk of the unions had passed through the ordeal without a stain." No greater testimony than that can be adduced. Mr. Harrison's character is beyond reproach. Had he or Mr. Thomas Hughes been convinced of the complicity of the unions, or of the leaders and officials representing them in the deplorable outrages disclosed, or in any of the lesser offences against society or workmen, not even Mr. Roebuck would have been more severe in condemnation of them, or more ready to apply drastic remedies. They were no mere popularity hunters; both were fearless and just. Had they seen reason for adverse action, trade unions would have had a bad time, and indeed in that case would have deserved it.

9. *Conclusions and Results.*—No elaborate quotations from the Final Report are now needed, but attention may be called to paragraph 50, in which the majority of the Commission state that, "leaving out of the question grosser cases of outrage, and confining ourselves to the more ordinary case of vexatious interference with the workmen's liberty, it must be noticed that nearly the whole of the instances (given) rest on the testimony of employers." It goes on to say that workmen have not come forward to substantiate them, and that "no suggestions for the curtailment of the power of trade unions have come before the Commission from workmen." "No independent and insulated workmen have volunteered to express themselves in that sense." The alleged tyranny of the unions was not substantiated, although at that time every inducement was offered to discontented workmen to give evidence against the unions, had they so desired. Non-unionists would have been protected had they done so, and the unions were in such bad odour with the public, that such evidence would

have been more than welcome. That reasonable grounds for complaint existed, apart from outrage and violence, cannot be denied; the fact is deplored. To reproduce an expression used by me in a speech more than thirty years ago, "Workmen are not all angels, and employers are not all devils." Both are subject to fits of temper, and are often swayed by prejudice; occasionally both have said foolish things, and done unwise ones. The Royal Commission of 1867-69 cleared the air. The storm did a little damage, but all were the better for the temporary atmospheric disturbance. For twenty years thereafter there was a gradually increasing confidence between employers and employed, only occasionally interrupted by labour conflicts, more or less severe.

10. *Unprotected State of Trade Union Funds.*—By the irony of fate, the Royal Commission, which was intended to curse, ended in a blessing. Instead of paving the way for a measure to stamp out the unions "as a public nuisance," the portals of Parliament were opened, to enable them to be recognised as lawful bodies, under the protection of the State. The first outcome of that Commission was a temporary Act for the protection of trade union funds. The demand arose out of the case known as *Hornby v. Close*. The treasurer of the Bradford branch of the Boilermakers' and Iron Shipbuilders' Society embezzled or wrongly withheld the sum of £24 confided to his care by the members of that branch. The Society prosecuted him under the Friendly Societies Act, the rules of the union being "deposited with the Registrar" under § 44. The case came before the Bradford magistrates, by whom it was dismissed on the ground that "the society had rules in restraint of trade." The Society appealed against the decision of the magistrates. The appeal was heard on January 16, 1867, in the Court of Queen's Bench, when it was dismissed, the magistrates' decision being confirmed. Shortly after another case occurred, in which the secretary of the Bradford branch of the Amalgamated Carpenters' and Joiners' Society embezzled from £30 to £40. The

magistrates, on February 15, 1867, found that the case was fully proved, but dismissed it, in view of the recent decision in the Court of Queen's Bench. That decision was appealed against, and was heard in July, 1869, being known as *Farrar v. Close*, the appeal being dismissed on the same grounds. A further case occurred at Hull, when a warrant was applied for to arrest an absconding officer, but it was refused by reason of the same decision.

11. *Methods of Investment of Trade Union Funds.*—Up to the year 1863 the usual practice of trade unions was to make the landlord of the inn or public-house in which the society met or the lodge was held the treasurer of the society or lodge. When the funds in hand permitted investment, the balance, or such proportion of it as the members decided upon, was placed in the hands of the brewers or distillers who supplied that particular house with beer or spirits; the interest was generally from 4 to 5 per cent., the latter very frequently. It is but fair to the landlords of that date to say that seldom any losses occurred by the transactions. Trade societies, or branches thereof, were sources of revenue to publicans, and they were, as a rule, welcomed as such. Generally the lodge-rooms were then free—no rent, no charge for gas. After 1860 it would appear that, in numerous instances, they were less profitable, and at first a payment for gas was required, subsequently rent for the room. It was argued that the members of these societies spent less on lodge nights, and therefore some other pecuniary recompense was needed. The labour leaders regarded this as testimony favouring increasing sobriety, and consequently did not resent the demand; rather, they approved of it. Since that date some lodge houses have still been free; for others a charge for gas has been paid, for some a rental. Let it here be said that no school-rooms or other public rooms were available to trade unions to meet in. Church and chapel alike refused to let schoolrooms for such purposes, and then the parson or minister denounced the men for meeting in public-houses. There were no other places then to meet in.

12. *Post Office Savings Banks*.—When Mr. Gladstone proposed the establishment of Post Office Savings Banks in 1861 an effort was made to induce him to make provision for deposits by trade unions in the same way, and to the same extent, as friendly societies. It was pointed out to him that, in many respects, the two classes of societies were similar, and that some, like the Amalgamated Society of Engineers, provided benefits quite as good as, if not better than, most friendly societies. It was further urged that, as trade unions were permitted to deposit their rules with the Registrar of Friendly Societies, and with Clerks to Justices of the Peace, under the Friendly Societies' Act, 1855, that they had some claim to be placed on the same footing as regards depositing surplus funds under the Savings Banks Acts. Mr. Gladstone did not make specific provision for this in his measure (carried in 1863), but under the Regulations which followed in 1864 such provision was made, and thereafter the unions, or many of them, banked their funds with the Postmaster-General and National Debt Commissioners, as representing Savings Banks, Post Office and Trustee under the Acts relating thereto, respectively. At the deputation to the Home Secretary, Mr. Walpole, on February 1, 1868, the subject was again referred to by Mr. Thomas Hughes, M.P., Messrs. Allan, Guile, Applegarth, &c. Mr. Guile stated that the Engineers alone had £140,000 in various parts of the country. The unions were thus placed in an awkward position by the decision in the Court of Queen's Bench as regards the safety of funds deposited in the Savings Banks, on the ground that some of the rules of the unions were deemed to be "in restraint of trade."

13. *Deposits in Savings Banks*.—On March 7, 1868, a deputation again waited upon Mr. Gladstone on the same subject, as he had, when Chancellor of the Exchequer, provided facilities for making deposits in the Post Office Savings Banks by trade unions. Mr. Allan referred to a former interview, in 1864, when permission to use such banks was granted. He stated that the Engineers had

deposited upwards of £40,000 in the Post Office Savings Banks. Messrs. Danter, Odger, Applegarth, and others spoke as to the difficulty that had arisen by reason of the recent decision in the Court of Queen's Bench. Mr. Gladstone agreed, but said that he thought such societies were friendly societies—why were they not? The reason stated was that they were ruled out because some of their rules were alleged to be “in restraint of trade.” He questioned the soundness of the doctrine, and quoted two instances in support of his view—the rule among publishers as to discount, and the uses to which land might be put, perfectly legal in themselves, but they might operate “in restraint of trade.” He stated that he “was completely puzzled by the matter as it then stood before him; whatever was permitted by law ought to entail no legal grievance.” This view quite accorded with the contention of the labour leaders. Mr. Allan explained, in answer to a question by Mr. Gladstone, that the Society of Amalgamated Engineers was a corresponding society, with branches in many countries, and the Corresponding Societies' Act was not repealed. The unions had not been allowed to register at that date, but only to deposit their rules under a provision in the Friendly Societies' Act, 1855, the value of which was *nil* in consequence of the recent decision.

14. *Legal Protection of Trade Union Funds.*—There was consternation in the ranks of trade unionists when the decision in the Court of Queen's Bench, in the case of *Hornby v. Close*, became known. The labour leaders met at once to concert measures, and the first thing decided upon was to ask the Home Secretary, Mr. Walpole, to receive a deputation, which he did on February 1, 1867, introduced by Mr. Thomas Hughes, M.P. The speakers were Messrs. Allan, Guile, Applegarth, and Odger. In reply, Mr. Walpole requested the deputation to put their case in writing, so as to be able to consult his colleagues on the subject. Mr. Henry Crompton thereupon, at the request of the Committee, drafted a Bill which the labour leaders laid before the Conference



of Trades, which Bill was adopted, and Mr. Charles Neate, M.P., took charge of it in the House of Commons in 1867. It was reintroduced in 1868, Sir Thomas Fowell Buxton taking charge thereof. But no progress was made in either Session beyond the first reading.

15. *The Recorder's Act*.—Meanwhile Mr. Russell Gurney, Recorder of London, introduced a Bill relating to larceny and embezzlement by co-partners or joint beneficial owners. The attention of the labour leaders having been called to it, some of them waited upon Mr. Russell Gurney and pointed out to him the position of trade union funds, and suggested that trade unionists were joint beneficial owners. He agreed that the provisions of the Bill would apply, but he advised that, in the then state of public feeling, it would be unwise to discuss that subject, as perhaps it might wreck the Bill. The measure was carried without difficulty, and became law on July 31, 1868. The first prosecution under the Act was a trade union secretary, who was convicted (*Reg. v. Blackburn*, 1868). Thus was legal protection, in the first instance, afforded.

16. *Trade Union Bills*, 1867 and 1868.—The General Election of 1868 had wholly changed the situation. Express and definite promises had been made by so many of the candidates elected, that we regarded it as certain that an adequate measure would be submitted to Parliament and passed. The Bill introduced by Mr. Charles Neate in 1867, and by Sir Thomas Fowell Buxton in 1868, was reconsidered, and was declared to be wholly inadequate to the occasion. Mr. Harrison thereupon drafted a Bill on the general lines of the Minority Report. Messrs. Thomas Hughes and A. J. Mundella took charge of it in the House of Commons. For a time the Bill hung fire, no progress could be made with it. A deputation then waited upon the Home Secretary, Mr. Henry Austin Bruce, to request the Government to support the measure. Mr. Bruce flatly refused to do so, declaring that they (the Government) would have nothing to do with it. What evil genius was it that again

whispered resistance to such a measure? Was it merely the traditions of the Home Office, the resultant influences of Lord Melbourne, Sir George Grey, Lord Palmerston, and others? Or were there personal influences in the Cabinet, the Government, and the House of Commons? The trade union leaders were wroth—they did well to be angry. Was this the reward for all the hard political work done during the General Election in 1868 and previously? What of unredeemed promises?

17. *A Breakfast-Table Conference and its Results.*—Things looked ominous. Discontent was abroad. An incident changed the whole policy of the Government. There was a good genius at work in the person of Mr. William Rathbone, M.P. He invited Mr. Henry Crompton, Mr. Robert Applegarth, and the present writer to meet Mr. Bruce at breakfast, to talk over the whole matter. We went. It was the longest breakfast I ever sat at. Every phase of the question was discussed in detail, minutely, and threshed out. Misconceptions were cleared away, doubts were removed, with the result that the Government decided, to the indignation of some of their own followers, to support the second reading of the Bill, thus affirming its principle; but they then tried to postpone further action until the next Session, in 1870. This was warmly resented and resisted. Pressure was brought to bear upon Messrs. Hughes and Mundella in favour of delay, but they remained firm. Treachery in the Liberal ranks was loudly hinted at, but a solution of the difficulty came unexpectedly, again an outcome of the breakfast-table conference above alluded to.

18. *Mr. Bruce Relents.*—Mr. Bruce gave notice of a Bill for the Protection of Trade Union Funds, as a temporary measure, pending further action. The Bill was backed by the Home Secretary and Mr. Knatchbull-Hugessen. It was read a first time on July 13th; a second time on July 19th; went through Committee on July 22nd; third reading on July 23rd; in the Lords on July 26th and 30th, and August 2nd and 3rd; it received the Royal Assent on August 9, 1869, as the

32 and 33 Vict., c. 61. It was to remain in force till the end of the Session, 1870. The opposition to the measure was inappreciable. Its justice was recognised ; it merely provided a temporary remedy in cases of embezzlement and misappropriation of funds. It raised no questions of policy. Mr. Bruce won respect and consideration by reason of his prompt and prudent action. It was a temporary solution of the difficulty.

19. *Trade Union Congresses*.—One other important event in the sixties was the institution of Trade Union Congresses. The first assembled in Manchester in Whit-week, 1868. Previous to that conferences had frequently been held ; the United Kingdom Alliance of Organised Trades, established by the Sheffield unions mainly, had called three conferences in succession—in 1865, 1866, and 1867 ; but the main object in those conferences was some form of amalgamation or federation. The promoters and founders of Trade Union Congresses had no such ambition. Their object was to confer annually, upon urgent questions affecting workmen and labour associations, whether the result of legislation or otherwise. It was not proposed to interfere in the legitimate work of trade unions, their organisation, mode of management, constitution, rules, or other matters of internal economy, but to promote co-operation in respect of general questions affecting labour, and watch over its interests in Parliament.

20. I. *Manchester Congress, June 2-6, 1868*.—There were thirty-four delegates, representing 118,367 members of trade unions in most of the chief cities and towns in the kingdom. The objects discussed included the Royal Commission, then sitting ; protection of trade union funds ; the law of conspiracy, and other laws affecting labour ; conciliation and arbitration ; hours of labour ; Factory Acts ; foreign competition ; political economy and labour ; picketing, coercion, and intimidation ; the necessity for trade unions, &c. It decided in favour of Annual Congresses, and selected Birmingham for the next meeting. The Congress was quiet, orderly, and business-

like ; the resolutions were reasonable and moderate in character, without exception.

21. II. *Birmingham Congress*.—This met on August 23–28, 1869. The second Congress was more political than the first, several political bodies sending delegates, without question. There were forty-eight delegates present, representing forty unions and associations, the aggregate membership of which was about 250,000. The subjects discussed included the Royal Commission and reports ; protection of trade union funds ; piece-work, overtime, limitation of apprentices ; protection of miners, co-operation, conciliation and arbitration, and other questions. Labour representation in Parliament was first adopted as a distinctive policy by that Congress. London was chosen as the next meeting-place, and a committee of five were elected to convene such Congress.

22. *Work and Wages*—*Mr. Brassey*.—Two circumstances in the last year of the sixties require special mention. (a) The first was the speech of Mr. “Tom Brassey, Junior, M.P.,” as he was then called, now Lord Brassey. It was delivered in Parliament on July 7, 1869, on the second reading of the Trade Unions (Protection of Funds) Bill. Mr. Brassey had been urged by Mr. Thomas Hughes and others to speak in support of that measure. He was inclined to hesitate at first ; being a young member of that House he felt shy. I was asked to see him, and was introduced by Mr. Hughes. We met him at his chambers in Lincoln’s Inn. After some hesitancy, he consented. His speech from, as he said, an employer’s point of view, assisted very much in disarming opposition to the Bill. It was, indeed, the one important speech on the question. It was subsequently published, and ultimately expanded into “*Work and Wages*,” a book widely read some thirty years ago, and still well worthy of perusal.

23. (b) “*Trade Unions*,” by *M. Le Comte de Paris*.—The second was the publication of “*The Trade Unions of England*,” by Le Comte de Paris, edited by Thomas Hughes, M.P. It is strange but true that, up to the

date of publication, in 1869, no work of any note had appeared on trade unions. That quoted above was the first, and it had considerable merit. The author was favourably impressed by what he had seen and heard of the Trade Union movement. He wrote sympathetically of the unions and their work, and with a fuller knowledge of their objects than educated Englishmen at that time possessed. The work is now scarce, but it is well worthy of study by those who desire to become acquainted with industrial history. I was able to warmly congratulate the author when introduced to him in 1870.

24. *General Review of the Decade.*—The seventh decade of the century, called the sixties, was an important one in the history of labour. Trade unionism was extended; organisation and consolidation had been promoted; improved methods were devised for concerted action; some well-considered proposals were propounded for legislative action; a general policy was adopted as regards the attitude of trade unions on public questions affecting labour and workmen collectively; and for the first time trade unions were recognised legally by the Act for the protection of their funds. Workmen, moreover, took a more active part in political movements—in electoral reform, and the use of the vote for labour's advantage; in favour of Italian unity and freedom; Poland and Hungary; the abolition of slavery, and the maintenance of the Federal Union in America; in the promotion of fraternal relations among the working classes of all countries by the formation of the International Working Men's Association, and other public movements.

## CHAPTER XX

### LABOUR LEGISLATION MOVEMENTS IN THE SEVENTIES.—I.

THE previous decades had been mainly devoted to the removal of obstacles, preparing and tilling the ground, sowing the seed, and nurturing it. Some plants require a long period to blossom, and the best-bearing fruit trees need time to come to maturity ere they blossom and bear fruit after their kind. It is even more true in the animal world, each species requiring time to mature before its individual members can "increase and multiply." In legislation, inception and birth are sometimes apparently speedy, but in such cases the result is seldom satisfactory. As a general rule legislation lags a long way behind public opinion, more or less pronounced. When it is ahead of it, which is not often, it is usually a failure. In the case of labour legislation there has never been undue haste, except when the object has been suppression, or otherwise baneful. Remedial legislation was slow, very slow, and halting. It took forty-five years to advance from the repeal of the Combination Laws to a temporary measure for the protection of the accumulated funds of associated bodies which, by law, were permitted to be established. It seems almost ludicrous that trade unions should be allowed to exist, under sanction of law, and yet that their funds should have no legal protection. It was an absurd anomaly, made bitter by injustice. To steal, embezzle, or defraud were crimes, punishable as such ; but if committed by an

official of a trade union, against the union as such, he could commit the offence with impunity. Fortunately the offence was comparatively rare in the labour world.

1. *Waiting—Why should Labour Wait?*—The Session of 1869 was mainly occupied with the measure for disestablishing the Irish Church; in 1870 there was the Irish Land Bill, and the Elementary Education Bill, and other measures. The labour leaders could get no specific official promise of legislation for labour or the recognition of trade unions. They were not, however, wholly impatient, for they heartily supported the political measures of the Government, and more especially the Education Bill, in spite of, in their opinion, some defects in the provisions of that measure. Some of us were during these Sessions in close contact with certain members of the Cabinet and others in the Government, and we were assured that legislation was contemplated at an early date. Mr. Stansfeld, Mr. W. E. Forster, and Mr. Bright were often seen on the subject, the two former being warmly in favour of a far-reaching measure. Then we had some good friends in the House of Commons, not in the Government—Messrs. Hughes, Mundella, J. Hinde Palmer, Serjeant Simon, Samuel Morley, Walter Morrison, Professor Fawcett, Samuel Plimsoll, Henry James, W. Vernon Harcourt, T. B. Potter, William Rathbone, and others; besides which there were many whose pledges at the General Election were more or less confidently depended upon. In most of these negotiations, in “lobbying,” and other ways, the present writer took a considerable part, Alexander Macdonald, Robert Applegarth, and George Odger being his chief colleagues and helpers. Behind us were the trade unions of the country, whose officials were at hand, when needed, to accentuate our demands and support us in any action deemed to be necessary. Altogether we presented a firm front, were united in demands and attitude, and unwavering in our policy.

2. *The Trade Union Bill, 1871.*—Early in the Session of 1871 Mr. Bruce redeemed his promise of legislation

by introducing the Trade Union Bill. This was the first measure of importance ever introduced by any Government in the interests of labour generally since the Act of Elizabeth in 1562-3 (5 Eliz., c. 4). The specific acts relating to factories, mines, &c., are not here included for sufficient reasons—they will be dealt with separately. The repeal of the Combination Laws and the amendment of the Master and Servant Acts had been initiated by what is singularly called “private” members, meaning only that they are not in the Ministry or officially connected with the Government.

3. *Trades Congress Convened.*—Acting on behalf of the Committee of the Trades Congress of 1869, there being no Congress in 1870, and also of the Committee of the Trades which had watched on behalf of labour the inquiry by the Royal Commission, and had taken such action thereon as was deemed to be expedient, I ascertained as early as possible the probable date when the Trade Union Bill would be introduced, so that the next Congress, fixed to be held in London, should assemble immediately after the introduction and first reading of that Bill. The meeting was so well timed that the Congress met on the 6th of March, 1871, in the Portland Rooms, London, the Bill being before us.

4. III. *The Trades' Congress, London, 1871.*—The Congress programme was a long and varied one, but the principal question discussed was the Trade Union Bill, and the effect of its criminal provisions. The Bill proposed to repeal the 6 Geo. iv., c. 129, and to substitute therefor clause 3 in the Bill. It was against that clause that the Congress protested, in which protest all other trade unions not represented at the Congress joined. On March 9th the Congress delegates waited upon Mr. Bruce as a deputation, by previous arrangement, when the views of those present were definitely expressed. As secretary to that Congress I was appointed one of the speakers, and I stated that in my opinion the magistrates would so construe the clause objected to that it would lead to convictions such as had never taken place under



the old law of 1825. Mr. Bruce stopped me by declaring that the provision was not so intended, and said that he could not enter into a discussion which anticipated the possible decision of the courts. I replied that at least the deputation was entitled to anticipate eventualities, but Mr. Bruce dissented. It turned out, however, that I was right, as subsequent convictions proved. If a Minister of the Crown is not to anticipate the possible construction to be put upon the provisions of a Bill for which he is responsible, where is his statesmanship?—where his foresight?

5. *Condemnation of Trade Union Bill.*—The Congress was dissatisfied with the Home Secretary's reply and attitude, and condemned most severely clause 3 of the Bill. The Congress before separating elected the following committee, in order named, to act on its behalf, to watch over the Bill, and take such action as they thought fit: Messrs. George Howell, George Potter, Alexander Macdonald, Lloyd Jones, and Joseph Leicester. The committee met on March 14th, and drafted a circular to the trades, signed in the order as above. It contained the resolution of the Congress as follows: "That this Congress, having reconsidered the Trade Union Bill in connection with the explanations and representations of the Home Secretary (given at the before-mentioned deputation) hereby resolve: That whilst they are anxious to obtain from Parliament any legislation that may enable them to carry forward their efforts on behalf of the legitimate interests of their fellow-workmen, they refuse in any way to sanction any Bill that in its provisions presupposes criminal intentions or tendencies on the part of English workmen as a class." To that resolution was added: "If consistent with your sense of duty to the country, we should feel greatly obliged by your opposing the criminal provisions of the Trade Union Bill."

6. *Protest of the Trades.*—That circular was sent to every member of Parliament on March 15th, so as to be in their hands on the following day. On March 17th the above members of the Congress Committee invited

the committee of the Conference of United Trades to meet them, to whom was explained what had taken place. That action was approved. At a formal joint meeting held on March 28th, of the two committees, a joint protest was agreed to as follows : " We, the undersigned, for and on behalf of the trade unionists of the United Kingdom, authorised and empowered by the Trades Union Congress, recently assembled in London, and by the Conference of Amalgamated Trades, do hereby protest against any such legislation as that attempted by the third clause of the Government Trade Union Bill, based as it is on the assumption that acts contrary to law and order are done and sanctioned by the trade unions of this country, feeling confident as we do that the Common and Statute Law is sufficient to punish every unlawful act committed either by trade unionists or any other persons. We, therefore, refuse in any way to sanction a Bill that in its provisions presupposes criminal intentions or tendencies on the part of working men as a class.—Signed, George Potter, chairman ; George Howell, secretary to the Trades Union Congress Parliamentary Committee ; William Allan, chairman ; Robert Applegarth, secretary to the Conference of Amalgamated Trades."

7. *Measure Withdrawn—New Bills.*—The effect of this prompt, energetic, and united action was immediate. The Government resolved to separate the criminal from the other portions of the Bill. Two Bills were consequently immediately issued ; one, " The Trade Union Bill," the other, " The Criminal Law Amendment Bill." That, of course, did not get rid of the difficulty, especially as the Government decided to take them *pari passu*, as though they were parts of one measure, as really they were. Again the evil genius was busy at the Home Office in the shape of tradition, or personally in the ranks of those who supported the Government in spite of pledges given in the General Election of 1868.

8. The members of the Joint Committee named above were vigilant, almost ubiquitous. They interviewed members, addressed meetings, promoted petitions, met

Ministers and members of the Government, and endeavoured in every way to prevent the Criminal Law Amendment Bill from passing; all without avail. The measure was even strengthened by Lord Cairn's amendment in the House of Lords by the substitution of "with one or more persons" for "two or more."

9. *Opposition to the Workmen's Demands—A Review.*

—The opposition that met us in some quarters was unexpected, and was, in particular cases, strongly resented by the labour leaders. It would be ungenerous now to specify instances and mention names. The members of Parliament who strenuously resisted our demands have nearly all passed away, and those living are no longer in Parliament. When they were alive and in active public life I had, as secretary to the Parliamentary Committee, to fight them face to face, and never shrank from the duty. My name was usually attached to all I wrote, and my references in speeches were reported. I was sometimes called over the coals, but on the whole there was little to complain of in the attitude of those whom I criticised and opposed. Many of them were co-workers with us in other movements, and we mutually supported causes in which we agreed. Our resentments were not personal, and if sometimes warm did not last long. In one or two instances men refused to sit with us on committees, in which cases we gave way, as they could give money, while we could only give work. Yet their money was nearly useless without our work.

10. *Supporters of Labour's Cause.*—It seems almost invidious to mention names in this connection, but some deserve to be named. In the House of Commons were Messrs. T. Hughes, A. J. Mundella, S. Morley, W. Rathbone, P. A. Taylor, J. Simon, W. Morrison, T. Brassey (now Lord Brassey), Professor Fawcett, S. Plimsoll, J. Hinde Palmer, M. T. Bass, J. Anderson, Dr. Brewer, A. S. Ayrtton, G. Dixon, J. Howard, &c. Out of the House were Frederic Harrison, Henry Crompton, Albert Crompton, J. M. Ludlow, Professor Beesly, R. S. Wright, and others, but of those Mr. Harrison and

Mr. H. Crompton bore the brunt of the fight. The absence of some names in the members' list may be explained by the fact that they supported the Government as a first duty, but they were not necessarily opponents of the workmen's demands.

11. *The Trade Union Act, 1871.*—This Act is now well known, and therefore it is only needful to merely indicate the changes effected by it. For the first time in history the Act of 1871 made combinations—trade unions—lawful, giving to them advantages which had hitherto been denied to them. The law, as it stood, was so intricate and slippery that a bare enactment legalising trade unions was deemed to be impossible. They had to be legalised by special enactment, making them lawful associations, with a certain legal status in courts of law, and at the same time preserve their internal economy, of organisation and management, from mischievous interference by litigation. Mr. Bruce, it may be said, understood this point well, and resisted any pressure put upon him by open and secret foes to the Bill to make any provision in the measure for unions to sue and be sued, which would have become a means of destroying the unions. It has been said that some of the unions desired this power. But that I deny. I challenge contradiction when I say that there was no proposal by any of them for such a provision. The first hint of it was at the Glasgow Congress in 1875.<sup>1</sup> The subject was mooted in some quarters and it was discussed with Mr. Bruce, but neither he nor any of our friends and supporters, in the House or out of it, favoured the insertion in the Act of 1871 of any such powers. It was intentionally omitted from the Bill, and no proposal to insert it was ever made at any stage of the measure. And I venture to say that no court, however high, not even the House of Lords, can legitimately read into an Act of Parliament anything that was intentionally left out of it. Whether the decision of Mr. Justice Farwell be right, as a matter of equity, apart from Statute Law, is another question, one that I need not enter into here.

<sup>1</sup> See Chap. XXXV. par. 31.

I limit my objection to the intention of the legislature, as that seems to have been referred to in the House of Lords. If I am wrong in my contention there are at least half a dozen men still living who can speak to the contrary. Judge-made law is a danger. That was admitted in Parliament in the debates on measures in 1873-75. Judges are not infallible. They may err, though the motives be of the highest, and their intentions unquestionable.

12. *Summary of Sections.*—By §§ 2 and 3 the resulting consequence of the old doctrine of “restraint of trade,” by which at Common Law all agreements and combinations to withhold labour in concert were held to be illegal, was repealed. To this extent also the law of conspiracy was repealed. By § 4 interference by courts of law with internal organisation and management was averted ; § 5 exempted trade unions from the provisions of the Friendly Societies’ Acts and the Companies’ Acts. Then, in §§ 6 to 12 are re-enacted in almost identical terms certain sections of the then Friendly Societies’ Acts. The conditions of registration are provided for in §§ 13 to 17. By § 18 to give false or pretended rules to a member, or candidate, is made a misdemeanour ; § 19 relates to legal procedure ; §§ 21 to 23 provided for appeal from summary decisions. Then follows definitions, &c.<sup>1</sup>

13. *The Criminal Law Amendment Act, 1871.*—This Act repealed the Combinations of Workmen Act, 1825 (6 Geo. IV., c. 129), and substituted therefor another special penal statute against workmen. The old statute was vague and indefinite, and had been interpreted and construed in the harshest way by justices and judges, and consequently had inflicted great injustice upon workmen. The decisions thereunder had been so conflicting that they had rendered it almost impossible for workmen to know what acts were criminal and what were not. These were some of the reasons adduced for repealing the Act of 1825. But as regards picketing, the then latest decision by Mr.

<sup>1</sup> See “Trade Union Law and Cases” (Cohen and Howell, 1901).

Justice Lush, with which Baron Bramwell expressed his concurrence, established it as clear law that picketing—the simple act of accosting a workman and an effort to influence his conduct by reason and persuasion—was a lawful proceeding. Consequently the position of workmen during a strike was much safer than it had been. Those who had watched the course of events in Parliament, and the debates on the subject, and had carefully considered the provisions of the new Act, saw that it was extremely probable that workmen would be safe no longer in this respect. It is not suggested that either the Government or Parliament intended to go beyond the Act of 1825 ; but vague penal laws are generally carried further by interpretation than was originally intended. It had been so previously, and therefore labours leaders and their advisers thought it likely to occur again, and consequently they cautioned workmen and told them what might be expected, and to prepare for it.

14. *Digest of Acts of 1871.*—In the Memorandum and Digest of the Trade Union Act, 1871, and the Criminal Law Amendment Act, 1871, prepared by Mr. Henry Crompton, which Mr. Frederic Harrison, and Mr. Albert Crompton, approved and signed and also, on behalf of the Trades Union Congress, Messrs. George Potter, chairman ; George Howell, secretary ; Alexander Macdonald, Lloyd Jones, and Joseph Leicester, members of the Committee, and by them published in 1871, the Trade Union Act is thus referred to : “ In spite of many minor defects, it is substantially a good and honest measure. It is a complete charter legalising unions. If this were all, had the Government done so much and nothing more, they would have been entitled to the gratitude of the working classes for fully and faithfully redeeming the promises they had made.”

15. *Coercion under New Act.*—The verdict upon the Criminal Law Amendment Act was : “ The whole of this statute must be repealed.” The reasons are assigned in a careful analysis of its provisions as follows : “ The new Act has been passed to prevent coercion among workmen,

It does so in an exceedingly involved and difficult way. It does not make coercion a crime—that would be an absurdity ; but it makes a number of acts, many of which are perfectly harmless and legitimate in themselves, crimes when done by workmen in reference to their employment, and *with a view to coerce.*” It is then pointed out that in order to determine whether a given act is a crime according to this statute, it is necessary to go through three stages to consider : (1) Whether the act done comes within those mentioned in the Act ; (2) whether it was committed in one of the cases of employment enumerated ; (3) whether it was done “ *with the view to coerce.*”

16. *Drafting of the Provisions.*—It follows from the above that the first section of the Act was difficult to interpret by those trained to interpret the English law, even when not complicated, as in this case, with the question of conspiracy. “Coercion” was the essential ingredient in the offence. The Act was meant to put it down or punish if the offence was committed. Everything depended upon the meaning of “coercion,” yet there was no definition in the Act, no limitation of it, so as to prevent its being interpreted beyond what was intended. This vagueness alarmed the labour leaders and their friends, and the result, as determined by the operation of the Act, justified their fears. The danger was foreseen that moral “coercion,” or the influence one citizen may legitimately exercise over another, might be construed as “unlawful coercion.”

17. *New Powers under the Act.*—The first subsection created no new offence, but it extended the summary jurisdiction of magistrates in cases of offences against the person or “malicious” injury to property when committed by workmen. The second subsection gave a new power to magistrates in the case of “threats” to workmen. A threat was not previously punishable by law, not even a serious threat ; a magistrate only had power to compel the threatener to find bail for good behaviour, if the person threatened was apprehensive of danger. This subsection gave to the magistrates power in the case of threats by a

workman, to sentence him summarily to three months' hard labour. Subsection 3 was aimed specifically at picketing. Persistently following a person from place to place was made a crime, if done by a workman "with a view to coerce." In other cases persistently following was not a crime, even if the object and intent of the person persistently following was to commit an offence. What was complained of in this case was that the word "coerce" was vague, undefined, and capable of the widest interpretation in cases of labour disputes. Had this word been properly defined there would have been less objection to the clause. But even then there was a civil remedy in all other cases—why make it a criminal offence in the case of workmen?

18. *The Lords' Amendment.*—The clause aimed at rattening was not objected to except that some thought it a little too wide. But of this there was no complaint. The last clause of the subsection was regarded as most dangerous, especially as amended in the House of Lords. Mr. Bruce himself said of it, "any man standing by a factory door might be convicted under it." The Government protested against the amended clause, but it was carried in the House of Commons by the votes of some of their own supporters. I sat under the gallery on that night and heard men on the Liberal side speak in favour of the Lords' Amendment. I wrote a description of the scene, naming the several speakers. It was published. I justified my action when called to account, and referred members to their promises. It was otherwise "an unreported debate;" I acknowledged the authorship. The members referred to were angry at the time, but we were good friends afterwards. It was my duty to be present and to watch. I was secretary to the Parliamentary Committee and responsible to them. I had to report at the next Congress, and any remissness on my part would have been blameable.

19. *Conduct of the Liberal Party.*—It will have been observed that my remarks upon the conduct of the Government and House of Commons concern mostly the



Liberal Party and its supporters. If the reasons are not obvious the following explanation will make them clear. The labour leaders considered that they had a claim upon the Government then in power, while they had no such claim upon the Tory or Conservative Party. We had worked incessantly in most of the constituencies during the General Election of 1868 to place the Liberals in office with a swinging majority ; and it was admitted at the time that the work was well done. It was done without cost to the candidates, for a rule was laid down and adhered to that in no case was there to be any claim upon the election agent, committee, or candidate for expenses. I never heard that the above rule was departed from. The representatives sent all over the country were in general sympathy with Mr. Gladstone's policy, and supported it, with the important addition of two items—the protection of trade union funds, and generally the recognition by law of those bodies. Therefore we claimed, in return for our work, the fulfilment of promises given, freely in most cases, reluctantly in a few others. Rightly or wrongly, we regarded the then Tory Party as political foes, and endeavoured to defeat its candidates wherever possible. I am perfectly frank about this ; the facts were patent at the time. Of course, under such circumstances we had no right to expect concessions from the Opposition. We did not, and, so far as I remember, none were given. This explains why we were exacting as regards the Liberal Party and its supporters.

20. *Digest of Acts and Protest.*—The Digest of the Acts, the Report thereon, and a copy of the two Acts, were prepared and issued as a manifesto. It condemned the Criminal Law Amendment for reasons given ; entered a protest against such legislation, and demanded its repeal. This was signed, as before stated, by the three barristers named, and by the "Trades Union Congress Committee," and extensively circulated. The concluding portion of the manifesto was, in brief, as follows : The country was reminded that in the debate on the Bill of 1869 the House of

Commons had, by assenting to the repeal of the Combinations Act of 1825, really accepted in principle that for which workmen had persistently contended—"justice and equality before the law; that acts which are not crimes when done by the upper and middle classes should not be crimes because they are done by workmen." This Act "repeals the Combination Laws, but it creates a new series of laws of the same character, which are in some respects worse, more dangerous to liberty, more calculated to give rise to disorder and violence, and most certain to embitter the feelings which unhappily exist between capital and labour. Parliament has deliberately endeavoured to strengthen the hands of the capitalists at the expense of the liberties and independence of the working classes." After declaring the willingness of the working classes to support legislation for the suppression of crime, and for the punishment of lesser offences, it condemned the conviction of "innocent and even virtuous acts into crimes" to handicap labour. It concluded: "In the name of the working classes we offer this, our solemn protest, against the injustice which Parliament has enacted. We hold that peace and order are the basis and the condition of social and political progress; but neither peace nor order can be lasting if they are not founded upon justice and equality before the law."

## CHAPTER XXI

### EFFORTS TO REPEAL THE CRIMINAL LAW AMENDMENT ACT, 1871

THE Fourth Trades Union Congress was fixed to take place in Nottingham, commencing on January 8, 1872. The Digest, Report, Copy of Acts, and Protest referred to in the previous chapter were extensively circulated in anticipation of that gathering. As secretary to the Committee I watched with care every case reported under the new Act, in order to ascertain the effects of its provisions as administered. The two measures became law on June 29, 1871. They had been purposely run together, side by side, as if the one was the complement of the other; and both received the Royal assent on the same day. In effect, therefore, the Criminal Law Amendment Act was as bad as if it had continued as part of the original Trade Union Bill. Yet, in the end, the separation one from the other was advantageous, because in demanding the repeal of the one the other was left untouched. It soon became evident that our worst fears would be realised. My own predictions before the Home Secretary, at the deputation on March 9th, were fulfilled to the letter. Cases arose under the Act as early as July 12th, and by August 18th many cases had occurred in Gateshead and Newcastle, all of which were noted. In all instances where convictions took place, and they were not a few, no such conviction of a similar kind is reported to have taken place under 6 Geo. IV., c. 129, thus completely justi-

fying our contention as to the effect of the new Act. Every such prosecution, especially if conviction followed, accentuated our indignation against Parliament, and our condemnation of the policy of the Government which had landed labour in a quagmire.

1. *Report of Parliamentary Committee.*—As secretary to the Committee it fell to my lot to prepare the Report for the year 1871, in which is given, in some detail, the work of that Committee. After reprinting the reports on the original Bill, and the Protest made at the time, it gave a brief account of the action of the Committee, the division of the measure into two Bills; the constant efforts, by deputations, interviews with members of Parliament, &c., to get the Criminal Law Amendment Bill withdrawn; and then to obtain the rejection of Lord Cairns' amendment, when nothing else could be done. The action of the Lords had been so prompt that a deputation to the Home Secretary could only be hurriedly called together in the Members' Room at the House of Commons on the night of the Report. Mr. Bruce was too ill to be present, but he was represented by Mr. Winterbotham, Under-Secretary of State. The deputation was large and influential, many members of Parliament being present. As a result of that interview Mr. Winterbotham, on behalf of the Home Secretary and the Government, gave notice to move the rejection of the Lords' amendment. So far we were satisfied with the action of the Government. The division took place on June 19, 1871, when the Lords' amendment was carried by 147 to 97 against—majority against labour, 50. We gave an analysis of the voting at the time, and reported it to Congress. It was found that in the majority list there were 130 members representing leading centres of industry; of these 101 were Liberals and 29 Conservatives. We posted their names, and left further action to the several constituencies which the aforesaid members represented.

2. *Members of Parliament and Coercion.*—The following

extracts from a report issued by the Committee at the time, and repeated in the Report to Congress, may be of interest, especially as the latter is scarce and rare; perhaps the only complete copy extant is that in my possession. It says: "We leave the list to the judgment and concerted action of the trades' societies in those constituencies whose members spoke and voted against us, and that, too, after the Government had moved to disagree with the Lords' amendment, thus voting against their party in the interests of their class, and decidedly to the detriment of trades' societies. We also leave to you the culpability of those who were absent from the division, and thereby played into the hands of our enemies. . . . The analysis of the voting list shows that nearly all the representatives of the great centres of industry either voted for the Lords' amendment or absented themselves from the division. Let the organisations note this fact, and compare it with the professions on the hustings, where most of the men [named] promised to vote for an honest Trade Union Bill." The acute soreness then felt by the labour leaders is painfully evident in the above extracts from the Report. Perhaps that which hurt most was the bad faith shown by men who had been helped into Parliament by the energy, advocacy, and loyalty of the labour leaders, and by the votes of workmen appealed to by them in the various constituencies. Some painful instances could be quoted, but the men are gone, the occasion is past, and we live in better times.

3. *Digest of Acts and Future Work.*—The Committee formally presented and commended to Congress the Digest of the two Acts, drawn up by Mr. Henry Crompton, and carefully revised by his brother, Mr. Albert Crompton, and Mr. Frederic Harrison, together with the reprint of the Acts, and the report thereon, signed by the above, and by the whole of the Committee. They also communicated reports of cases under the Criminal Law Amendment Act, to date, together with an able paper thereon by Mr. H. Crompton. The

Report says: "From this it will be seen that all the evils predicted in the Digest (and also by speakers at deputations, &c.) have come to pass, and hence the necessity for immediate action by this Congress." It adds: "Your Committee, after careful consideration, feel that their only course is to recommend the repeal of the Criminal Law Amendment Act, as no amount of modification or amendment can correct sufficiently its mischievous provisions, or obliterate its implied stigma upon the trade unionists of the United Kingdom."

4. *Draft Bill on Arbitration*.—The Committee also presented to Congress a draft Bill, prepared by Mr. Rupert Kettle, on arbitration, as directed to do by the London Congress, together with references to existing Acts. They further reported that Messrs. Samuel Morley, Thomas Brassey, W. H. Smith, A. J. Mundella, and Thomas Hughes had consented to back the Bill.

5. *Expenditure of Parliamentary Committee*.—The balance sheet presented showed that the total income of the Committee for the past year, March 8, 1871, to January 4, 1872, was £16 16s. od. The expenditure was £17 6s. 8d.; due to treasurer, 10s. 8d. With the exception of one guinea, cost of deputation, the entire amount—£17 6s. 8d.—went in printing and postage. All the time and labour were given gratuitously, freely, joyfully. Those who alleged that the unions were spending money freely were in error. Some asserted it malignantly, in the hope of tainting the reputation of the labour leaders, by accusing them of using the unions for their own pecuniary advantage. But the mud did not stick. The trade unionists of the country knew better. They would have known from their own reports and balance sheets if money had been voted. And here let me say that, if it had been, it would have been perfectly justifiable, as the work done was for their own benefit. The sneer of "bloated delegates" is not now much heard; then it was common. The age has changed, so have the manners in this respect.

6. *Prosecutions under the Criminal Law Amendment Act.*—There is no need now to go over the list of cases referred to in Mr. Crompton's paper, as a longer and more complete list will be dealt with later on. For the sake of clearness the whole of the cases—the memorials to the Home Secretary, and deputations to him, &c.—require to be grouped together, as nearly as possible in chronological order, to see their true bearing and judge as to results.

7. IV. *The Nottingham Trades Congress, January 8 to 13, 1872.*—At that Congress there were 77 delegates, representing 63 societies, with an aggregate membership of 255,710. Twelve of the societies or bodies represented were political or general. At that period no exception was taken to associations other than trade unions. That came at a later date, when an attempt was made to use the Congresses for party or personal purposes. Then followed exclusion.

8. *Reception by Mayor and Council.*—The Nottingham Congress was notable for the splendid public reception given to the delegates in the Town Hall, lent for the occasion, and the magnificent banquet given to them by the Mayor, who presided in the full dress of his office, chain and all. He was supported by Mr. Samuel Morley, M.P., Mr. A. J. Mundella, M.P., and most of the local celebrities. Besides which the townspeople feasted the delegates with breakfasts, luncheons and dinners, and entertained them with soirées in the evening. The example then set has been followed in subsequent Congresses, but Nottingham still holds the place of honour in this respect.

9. *Congress and the Committee's Report.*—The report of the Committee was adopted, and their action approved. The Congress resolved to agitate for the repeal of the Criminal Law Amendment Act; for Bills to regulate mines; for compensation to injured workmen; to abolish truck; for weekly payment of wages without stoppages; for the appointment of efficient inspectors under the Factory and Workshop Acts, and amendment

of the Friendly Societies' Act. There were papers and discussions on foreign competition, use of trade union funds, organisation of trades councils, and other matters.

10. *Constitution of Congress*.—The Congress adopted a series of standing orders for the government of future Congresses ; decided against the reading of papers, except in special cases, and then only subject to approval by the Standing Orders Committee. A Parliamentary Committee of ten were elected for the year 1872. The work, on the whole, was well done ; its programme for the next Session was excellent, being clearly mapped out for the Committee.

11. *Working for Repeal of Criminal Law Amendment Act*.—The Trades Congress having unanimously resolved to agitate for the repeal of the Criminal Law Amendment Act, empowered the Parliamentary Committee to take such action as they deemed fit to carry out the Congress's instructions. The Committee was similarly authorised to take such steps as to them appeared desirable in respect of the other matters before the Congress, and especially those affecting labour by legislation. The order was a large one, for the session of 1872 was a memorable one in the annals of legislation, as regards what might be termed political measures, and also those affecting industry.

12. *Memorial to the Home Secretary—with Cases*.—The first duty of the Parliamentary Committee was to approach the Home Secretary on the subject of penal legislation respecting labour in the previous Session. This was done by a carefully prepared memorial, to which was appended a complete list of cases before the courts, from the passing of the Criminal Law Amendment Act to the date of the memorial—middle of March, 1872. The memorial was signed by Alexander Macdonald, chairman ; William Allan, treasurer ; and George Howell, secretary of the Trades Union Congress Parliamentary Committee. The memorial set forth that it represented the views of over 375,000 trade unionists,



present by delegation at the Congress, and as many more indirectly who regarded the Act "as an instrument of oppression," as shown in several of the cases adduced and submitted.

13. *Comments and Criticisms on the Act.*—The memorialists then went on to submit : (1) That the Act presupposed criminal intentions on the part of trade unionists ; this was in itself an act of injustice, caused by imperfect knowledge as to the aims, objects, and working of trade unions. (2) That any act of violence against person or property, either by an individual or by combination, was fully met by the Common Law, as to assault, and by the general Statute and Common Law, as applied to all other subjects of the realm ; the application of a special law to the artisan classes cannot but be regarded as a special wrong, they being as incapable of openly or secretly violating either the letter or spirit of the laws of the land as any other portion of the subjects of the Queen. (3) The Home Secretary's attention was directed to the numerous cases of prosecution under the new Act, and to the great injustice, and even cruelty, inflicted by the way in which the law had been interpreted and enforced. With regard to cases of violence we had no apology to offer. These, we all admitted, should be punishable, all such acts being, in point of law, assaults. (4) That were a new law necessary to punish offences not otherwise provided for, there were no definitions where there ought to have been, and where given were vague and uncertain, causing hardship in the cases quoted, and likely to do so in the working of an exceptional and class-made Act. The memorial urged the Government to bring in a Bill to repeal the Act, or support such Bill if introduced, as it operated most disadvantageously to the working of the Trade Union Act. If repeal were not possible, then that the most objectionable provisions be amended.

14. *Summary of Cases.*—The cases submitted to the Home Secretary consisted of the best newspaper reports in each instance, without alteration or comment. The

source from whence taken was given, so that their accuracy could be tested. It is unnecessary to reproduce them, except briefly, here.

(a) The first cases arose out of or in connection with the engineers' strike for the nine hours at Newcastle-on-Tyne and Gateshead, August, 1871. (1) A youth, seventeen years of age, charged with throwing stones. Was not mixed up with the strike, yet charged with intimidation. No prosecutor, so this charge broke down. Convicted, on evidence of policeman, of throwing stones, which youth denied. Sentenced to fourteen days' imprisonment. (2) A miner charged with intimidation, another man charged with same offence. Bad language used; each sentenced to two months' imprisonment. (3) A youth, eighteen years of age, charged with causing annoyance, by disorderly following. No prosecutor, charge withdrawn, but fined 2s. 6d. and costs. The youth denied the charge *in toto*. (4) August 14th, several charged with intimidating and assaulting foreign workmen. Some imprisoned for six weeks, others to two months. Charges denied in each case. (5) A policeman charged with assault, arising out of case under the Act; evidence said to have been conclusive. Case dismissed. (6) Previous to these there were charges of intimidation against three men on July 12th; charges withdrawn on promise of the men not to repeat the offence. In the preceding instances the complaint made to the Home Secretary was that, in ordinary circumstances, a fine or bond to keep the peace would have sufficed, that the punishment of imprisonment was excessive as compared with the offence. The conduct of offenders in cases proved was not excused, but a just leniency was suggested.

(b) The following and subsequent cases were reported at greater length, as the element of personal violence did not so directly arise in the charges before the magistrate.

(1) "Thomas Dorrington, charged (Gateshead Police Court) with unlawfully molesting certain workmen by watching the approach to works with a view to coerce such workmen to quit their employment." The charge was simply one of picketing and distributing handbills. Asked by a police officer what he was doing, he refused to give an explanation, and was thereupon taken into custody. The magistrates' clerk suggested that prosecuting counsel must alter the charge before proceeding further. Prisoner's counsel protested, and asked that he be discharged, as "he had been arrested on a charge that was untenable." The magistrates' clerk again interposed—"the man was charged with molesting workmen, not masters, and therefore defendant must be discharged upon that charge, and another preferred." The man was thereupon charged with "molesting or obstructing the

masters, with the view of coercing such masters to dismiss or cease to employ some workman." The evidence was to the effect that the man walked up and down near the works and gave away some bills. "Without calling upon counsel for the defence, the bench discharged the prisoner." Another man, not charged, but said by one of the policemen to have been in the company of Dorrington, affirmed in a letter, published in the *Newcastle Daily Chronicle*, that the "statement concerning me is a gross falsehood;" and that the further statement, that he "walked up and down and was watching the factory gates," is an "unmitigated falsehood." He added: "I was never in the company of Mr. Dorrington in the streets," and had nothing to do with the distribution of bills.

(c) (2) John Kennedy was charged at the Gateshead Police Court on April 8, 1871, with intimidation. The complainant in this case stated that Kennedy had said he (John McPherson) would "catch it" if he continued work, as the men were on strike. The evidence was so unsatisfactory that the magistrates said they had "great pleasure in dismissing the case. But the young man had been in custody for five days, and his counsel protested that he was detained without the shadow of a case against him." Counsel further protested against the remarks of one of the magistrates, who justified the arrest, and pointed out that, as an employer in the trade in which the dispute existed, he had no right to sit and adjudicate. The magistrates' clerk confirmed this.

(3) John Lamb, 35, charged at the Newcastle Police Court, on August 15, 1871, with "assaulting, threatening, and intimidating a workman" at Sir William Armstrong's works. The evidence was conflicting, and as the question of jurisdiction arose the case was dismissed.

(4) Daniel Weallans, 20, at same court, on August 17th, charged "with watching and besetting." The evidence broke down and the prisoner was discharged. In all the above cases the men were arrested on the spot, without warrant; no summons issued in either case.

(5) Richard Larnier, 45, arrested on warrant "for unlawfully threatening and intimidating" T. J. Waters. Charged at same court on same date. The prisoner called the complainant a "blackleg" and threatened him. Sentenced to imprisonment for two months. Counsel contended that the case would be met by binding over prisoner to keep the peace, as in all other such cases, under the general law of the land.

(d) (6) Alexander Barnes, 50, charged at same court on the same date with "being drunk and disorderly and using intimidating language." Prisoner denied part of the evidence, but the magistrate said the case was proven. Sentenced to imprisonment for two months.

(7) George Ramage, a lad 15 years of age, charged with shouting something through a window, policeman did not know what. Taken into custody. Prisoner discharged, on promise not to offend again. But

what was the offence? Shouting from a room, through an open window, the words used not being known!

(8) John Elliot and William Morgan charged with violently assaulting an interpreter. Prosecuting counsel admitted that there was no evidence of assault by these men. The charge was withdrawn, and the young men were discharged. These were two apprentices, and they were arrested, without proof of evidence, by the police.

(9) Andrew Watson, 45, arrested on warrant, charged at same court, on August 19th, with threatening and intimidating George Marman. It was shown that prisoner was drunk. Sentenced to one month's imprisonment.

(10) Same court, same day, James Wise, 30, arrested on warrant, charged "with threatening and intimidating" Charles Millar. Prisoner was drunk, called complainant a "blackleg." Sentenced to one month's imprisonment.

(11) On August 18th, three engineers, Henry Gunston, George Rock, and John Burns, charged at the Gateshead Police Court with "loitering on a footway"—a case of picketing and distributing bills. Evidence insufficient to commit, and the case was dismissed. The Bench: "And now, my men, take care and don't do it again."

(e) (12) On the same date, and at same court, Robert Finch and George Rock were charged with obstruction and giving away handbills. The only evidence was that of two policemen, one of whom took Rock by the collar and wrested the bills out of his hand, when Rock threatened to summon him. The Bench fined them 2s. 6d. each and costs—total 11s. 6d.—or fourteen days' imprisonment in default.

(13) At same court, on same date, eight other men were charged with a similar offence. Chief constable Elliot, who appeared as prosecutor in these and the previous cases, asked leave of the bench to withdraw the charge. The men were asked to promise not to do it again. Counsel opposed, but promise given. In all the foregoing ten cases the "offence" charged was simply delivering handbills in the public streets, and technically obstructing the footpath. For this offence the men, if charged at all, should have been charged under the local Acts by the chief constable, whereas the charge was brought against them under the Criminal Law Amendment Act. Thus the police and the law were used, in the employers' interest, against the men in the engineers' strike at Newcastle.

(14) The following case was somewhat singular: At the Leeds Assizes, on August 14, 1871, the case of *Purchon v. Hartley* and others was heard. Purchon was a co-member, with defendants and others, of the Glass-bottle Makers' Society, and he alleged that the members of the branch tried to oust him as foreman from the firm, and make the firm a non-union shop unless he was discharged. A deputation waited upon the employer, with the result that complainant was discharged. He thereupon entered an action for damages. "There was quite a cloud of witnesses for the defendants," said the *Newcastle Chronicle*, but the jury found for the plaintiff, £300

damages. This case was included in the list only because of the date of the action, so as not to exclude any, but it was a civil action for damages, and therefore not under the Act in question.

15. *The Hammersmith Case*.—(15) The following case excited a good deal of feeling at the time. At the Hammersmith Police Court, on January 11, 1872, George Turk appeared on “summons taken out under the Criminal Law Amendment Act, 34 and 35 Vict., c. 32, § 1, relating to violence, threats, and molestation.” The prosecutor was one of the firm of engineers where there was a strike. The men had requested the firm to concede a nine hours’ day. The firm refused on account of contracts on hand, but offered to accede to the request in three months’ time. The men refused to wait, and gave in their notices—Turk among the number. He was charged with delivering a handbill in the street where he lived, opposite to the employers’ premises. The handbill was exceptionally mild; the strongest passages were as follows: After stating the cause of strike, it said, “We, therefore, appeal to you as fellow-workmen, not to enter into any engagement with our late employers unless on the condition that the nine hours per day commence at once. *By so refusing you will forward our cause*, as well as your own as working men.” The words in italics were quoted to show that “coercion” was used. The magistrates “ordered the defendant to be imprisoned for two months.”

16. *Appeal and its Results*.—Notice of appeal was forthwith given, but two days had elapsed before bail had been accepted, and the man—George Turk—was liberated. Meanwhile he had to suffer the disgrace of “the prison crop” and worked “on the treadmill with common felons.” The appeal had not been heard at the date when the list was compiled, but I give the result here to avoid having to recur to the subject. The appeal came before the Middlesex Sessions on April 27, 1872. Mr. Henry James, Q.C., M.P. (now Lord James of Hereford) and Mr. Croome appeared for George Turk; Mr. Francis

appeared for the prosecutors, Messrs. Gwynne & Co., engineers, Hammersmith. When the case was called prosecuting counsel stated that "he was instructed to offer no evidence on the part of the prosecution, and consequently the case would be withdrawn." Defendant's counsel (Mr. Henry James) said "he was quite prepared to go into the case, but he had no alternative but to accept their proposal to withdraw from the case." The conviction was quashed accordingly. The ending of this case was very unsatisfactory to the committee who provided funds for the defence and appeal, and they applied to the solicitors, through Mr. H. Stokoe, the secretary, to know what they could do to carry the matter farther, or compel the prosecutors to pay the costs. They could do nothing. The firm had by their action intimidated their workpeople; Turk was convicted, and treated as a felon; and then the committee had to pay all the costs and expenses of the defence. But the case had this good result—it led to joint action by Mr. H. James, M.P., and Mr. W. Vernon Harcourt, M.P., and the Trades Union Congress Parliamentary Committee for the repeal of the Act.

17. *The Bolton Case*.—(16) Thomas Wearden, member of the Masons' Society, and "shop-steward" thereof at Bolton, was charged with besetting the place where Thomas Cooper worked, with a view to coerce him to pay a fine of 40s., imposed by the Bolton branch of which he also was a member. Cooper refused to pay the fine or an instalment thereof. Wearden then went to the foreman, and after dinner the men picked up their tools and went away. On the following day the men resumed work, Cooper having meanwhile been discharged. The latter thereupon summoned Wearden for molestation. No threat was made; an instalment of a fine was asked for; but the man was discharged. The magistrates committed defendant for one month.

18. *Appeal: Conviction Quashed*.—The case was regarded as of sufficient importance to warrant an appeal, and notice thereof was at once given, the man Wearden being admitted to bail. The appeal was heard before the

Recorder of Bolton. The case was argued at great length, the Recorder taking an active part in the discussion. It was contended that Wearden molested Cooper by besetting the place where he worked with a view to coerce him to pay 5s., part of a fine imposed by the Stonemasons' Society. Mr. Leresche and Mr. C. H. Hopwood argued that there was no legal offence, and much attention was given to the definition of the word "beset." The Recorder quashed the conviction, but thought that, under the circumstances, it being a test case, the appellant ought not to ask for costs. Counsel agreed to forego the costs. The whole question of the operation of the new Criminal Amendment Act was raised in the Press and elsewhere in connection with this case.

19. *A Scotch Case—Damages.*—(17) The following, a Scotch case, was heard before Sheriff Logie, in the Small Debt Court, Airdrie, February 6, 1872. Edward Burns brought an action to recover damages from four masons, named Crosby, Lockhard, McLay, and Gardner, as compensation for loss sustained by being deprived of employment, by combination on their part, they having informed their employer that if he (Burns) was not discharged they would leave work—that is, strike. In consequence of this he was discharged. Defendants denied that they had unlawfully combined for that purpose. The evidence went to show that the four men named, members of the Stonemasons' Union, demanded of the complainant (called the pursuer) 7s. 6d. as his contribution due to the society. Burns, the pursuer, said he did not know what kind of society it was; he never saw the rules of it, though he paid for them; he did not even know the name of it, though he joined it when he entered into his then employment! The contention of defendants' counsel was that the men were perfectly justified in withholding their labour if they thought fit, as there was no contract and no notice required, also that the society was perfectly legal under the Trade Union Act. The decision was given on February 27, 1872, by Sheriff Logie, the damages being £3 3s. each and costs, total £12 12s. and costs. The Sheriff quoted cases to show that civil damages could be imposed in such cases. A man could leave his work if he thought fit, but if he and others in combination did so, in order to compel the employer to dismiss a fellow-workman, that was unlawful. Damages accordingly.

20. *Women Imprisoned.*—(18) On August 14, 1871, seven women were summoned at the Merthyr Police Court for "watching and besetting" a certain place, with a view to coerce John Howells, a workman, to quit his employment. One other woman had been summoned but failed to appear. The real offence charged, or rather

proved in evidence, was "shouting." Some denied the charge, but it appears that a police officer gave to complainant certain names, and these were summoned. The prosecutors were the owners of a colliery yard at Mountain Ash. On the following day the magistrate gave his decision. He thought the charge proven, and the women were sentenced to a week's imprisonment in Swansea Gaol. The women had no legal adviser to conduct the case on their behalf, or to cross-examine witnesses. The man said to have been intimidated was not even the prosecutor.

21. *Importance of List of Cases given.*—No apology is, I think, needed for giving a synopsis of the cases prepared and presented to the Home Secretary, showing the effect of the new law—Criminal Law Amendment Act, 1871. In no other way can the present generation understand the strong feeling aroused by the operation of the new Act. About fifty persons had been prosecuted, several of whom, including six women, were sent to gaol. It was felt that imprisonment was an excessive punishment in nearly all the cases where inflicted. The offence under the general law of the land would, in the worst cases, have been punished simply by binding the offender over to keep the peace. Under no previous law was the simple delivery of bills in the public streets an offence, even if the bills were in themselves unlawful, except in cases of sedition or treason felony.



## CHAPTER XXII

### AGITATION AND LABOUR LEGISLATION IN THE SEVENTIES : EFFORTS TO REPEAL OR AMEND THE CRIMINAL LAW AMENDMENT ACT

THE agitation evoked by the enactment of the Criminal Law Amendment Act, and by its administration as soon as passed, was widespread, systematic, and thorough. It was an organised demand for the repeal of a bad law, intentionally levelled at workmen, especially when acting collectively. Though divided from the Trade Union Act, it was passed as its complement, and was regarded by those who administered it, and by the public, as essentially a part of one piece of legislation. The Trade Union Act gave to men in combination rights too long withheld, but in giving those rights the legislature insulted the recipients, and provided an instrument for their castigation. The working classes of the kingdom were fortunate in this—they were led by men who knew what they were about, what they wanted, and had a clear idea as to the use of means whereby to achieve what they desired. The Turk case at Hammersmith had brought to their side Mr. Henry James (now Lord James of Hereford) and Mr. W. V. Harcourt (now Sir William Harcourt), and the Bolton case had won to their side Mr. C. H. Hopwood (now Recorder of Liverpool). They had also the active help of such men as Mr. Frederic Harrison, Mr. Henry Crompton, Mr. Albert Crompton, Mr. R. S. Wright (now Mr. Justice Wright), and in Parliament Messrs. Hughes, Mundella, S. Morley,

Rathbone, Brassey (now Lord Brassey), and numerous others, whose advocacy did much to pave the way to an early attainment of the object sought, namely, the repeal of the Criminal Law Amendment Act and other Acts, and further labour legislation in the interests of labour.

1. *Deputation to the Home Secretary.*—The memorial prepared, together with the printed list of cases, had been sent to the Home Secretary with a request that he would receive a deputation on the subject of the repeal of the Criminal Law Amendment Act. Mr. Bruce fixed March 21, 1872, for the formal presentation of the memorial. The deputation was introduced by Mr. A. J. Mundella. The speakers on the occasion included Mr. Alexander Macdonald, chairman, and Mr. George Howell, secretary of the Parliamentary Committee, and Messrs. George Potter and John Normansall. There were also present Mr. Robert Applegarth and George Odger, of the London Trades, and the representatives of the textile operatives, the miners, and other trade unions. Mr. Howell read the memorial, and referred at length to some of the cases cited; he subsequently made some suggestions for amending the Act if the Government could not see their way clear to propose its repeal.

2. *Mr. Bruce's Attitude and Reply.*—Mr. Bruce was most conciliatory in his reply. He reminded the deputation that the Lords' amendment had increased the stringency and severity of the Act, and that the Government had voted against it. He said that it was passed at a time when feeling ran high, and the cases had not a good chance of being fairly and calmly deliberated and adjudicated upon. He thanked the deputation for the information given, and for the list of recorded cases. He promised to consider the whole matter and to examine into the interpretation of its provisions by the different justices. In time he thought that the decisions, instead of being at variance, would become more uniform, &c. But uniformity was not the thing desired. The deputation wanted to prevent wrong being done, and men being sent to gaol for trivial offences.

3. *Efforts to Repeal the Criminal Law Amendment Act.*—Immediately the Session of 1872 opened Mr. Alexander Macdonald, chairman, and the present writer, as secretary to the Parliamentary Committee, acting on behalf of the Trades Congress, endeavoured to obtain sufficient support in the House of Commons to bring in a Bill for the repeal of the obnoxious statute; but we failed to secure an adequate number of influential names to back such a Bill. The utmost we could obtain from those interviewed was a promise to support an amending Bill, restoring the original clause before it was mangled by the House of Lords, and the introduction of some definitions to prevent an undue straining of the provisions of the Act by the justices and others who administered it. The Parliamentary Committee met to consider what steps should be taken to carry out the resolutions of the Congress on January 13, 1872; then followed the preparation of the "cases" already referred to, the drafting of the memorial to the Home Secretary, and making arrangements for its presentation formally in due course.

4. *Lobbying for the Unions.*—As representing the Committee and the Congress, I was present at the House of Commons daily, beginning with the first day of the Session. Mr. Alexander Macdonald, as chairman, came to London on February 13th, and thereafter we attended the House together daily. On February 15th I had an interview with Mr. W. Vernon Harcourt, who expressed himself warmly against the Lords' amendment, and promised his assistance to repeal that portion of the Act. How much further he would go he could not tell until he had gone through the cases which I was then engaged in preparing. On the day following Mr. Macdonald and the writer waited upon him with list of cases up to that date, and also the digest of and reports on the two Acts of 1871, as prepared by Messrs. Crompton, Harrison, and the Committee in 1871.

5. *Sir William Harcourt upon the Act.*—Mr. (now Sir William) Harcourt went with us minutely over the provisions of the Act, and the cases up to date which had

arisen under it. He told us frankly that the House of Commons would not at that time listen for one moment to the question of total repeal. If the Committee desired action to be taken to remove the glaring defects of the Act, and especially the clause under which most of the convictions had taken place, he would do all in his power to help them. He strongly condemned the construction of the Act, whereby many bad interpretations had been given, some ending in conviction and imprisonment.

6. *Concession as to Amendment of the Act.*—Our reply was that, while strongly in favour of total repeal, we should gladly accept such amendments as he had suggested, which would preclude the possibility of a recurrence of some of the convictions which had taken place. He thought that a resolution in the House condemnatory of the Act, and calling upon the Home Secretary to introduce an amending Bill, would be the best way to proceed in the first instance. He promised to see Mr. Bruce and Mr. Winterbotham, and inquire what action the Government proposed to take in the matter, and report thereon to us.

7. *Action of Parliamentary Committee.*—On February 17th a special meeting of the Committee was held, consisting of Messrs. Macdonald (chairman), William Allan (treasurer), George Howell (secretary), John Kane, Thomas Halliday, William Leigh, George Thomas, W. H. Leatherland, Daniel Higham, and William Hicking. At that meeting a full report was given of all that had been done and attempted to be done up to date. The action of the chairman and secretary was approved unanimously, and also what was being done, and proposed to be done, as regards the preparation of a list of reported cases, of a memorial to the Home Secretary, deputation to the Home Secretary, and the circulation of reports on all these and other matters respecting the action which was being taken. The Committee reassembled on February 25th, when proofs were submitted of the memorial and cases. They were also submitted to Mr. Henry Crompton, Mr. Frederic

Harrison, and Mr. Vernon Harcourt for approval, which was unanimously given.

8. *Proposal to Amend the Criminal Law Amendment Act.*—Further meetings of the Committee were held on March 16th, 19th, and 21st. On the latter day the deputation was to meet the Home Secretary to present the memorial and list of cases. The suggestions as to amending the Criminal Law Amendment Act, 1871, were drawn up by Mr. Henry Crompton, and were submitted to the Home Secretary by Mr. Howell as secretary. There was no note of disapproval to the suggested amendments if a repeal of the Act was found to be impossible either by individual members of the Committee or other persons, or by the trade unions of the country, to whom every document and suggestion had been sent for approval.

9. *Breakdown of Hammersmith Appeal Case.*—A brief synopsis of all the documents adverted to has been already given, and also the report of the deputation to the Home Secretary, and need not, therefore, be repeated or further referred to, except to say that Mr. Bruce had evinced his readiness to reconsider the Act in the light of the cases and the representations made to him by the Parliamentary Committee through its officers. At this stage considerable delay took place in consequence of the "Hammersmith Appeal Case" of *Turk v. Gwynne*, for, it was argued, while that appeal was pending it would be impossible for Parliament to listen to alleged grievances under the Act, or to any advocacy for its repeal until that was decided. The hearing of the appeal was fixed for April 7, 1872, when, lo! it wholly broke down by the withdrawal of the prosecution. The Parliamentary Committee had nothing to do with the Hammersmith case, the whole conduct of which was in the hands of a local committee, with Mr. Henry Stokoe as secretary. He it was who collected money for the costs, found bail for the man, George Turk, and provided for the appeal. But the officers of the Parliamentary Committee kept in close touch with the case, because of its importance to the trade unions of the country.

10. *Effect of that Breakdown.*—The Committee met on April 29th to consider the situation and decide upon a policy. Great dissatisfaction was felt at the result of the appeal, and regret was expressed that there was no means whereby the appellant could force the prosecution to a definite issue. The Committee instructed the secretary to send a report of the case to Mr. W. Vernon Harcourt, and to arrange an interview with him without delay. He met Mr. Macdonald and the writer that evening, when they explained to him the whole circumstances connected with the Hammersmith case, and expressed their deep regret at the unexpected and unsatisfactory ending of it. Mr. Harcourt thereupon went to Mr. Henry James, who was one of the counsel in the case for Turk, the appellant, and they returned together to us. Mr. James fully explained the legal bearings of the case, saying that it was a “monstrous decision of the magistrate” who convicted. He also strongly condemned the whole tenor of the criminal clauses of the Act. We thereupon requested him “to aid the Committee in getting rid of such a one-sided and unjust piece of legislation.” He readily replied that he would help Mr. Harcourt to amend the Act. As to the course to be adopted, Mr. James advised a Bill in preference to an abstract resolution, which would do no practical good. Mr. Mundella, who was present, concurred in that view.

11. *Conference with Members of Parliament.*—The next step taken was to call a conference of such members of Parliament as had replied favourably to the Committee’s appeal, which conference was held on May 2nd. Every point connected with the Act, and the decisions thereunder, were discussed, when it was agreed to draft a Bill dealing with the picketing clauses, and the general phraseology of the Act. On the following morning the Committee met, when all the facts were fully reported, and the action of the chairman and secretary was in all respects approved. It is necessary that I should be precise here as to all the dates and facts, because our policy was criticised subsequently until the whole circumstances were explained.

12. *An Amendment Bill Drafted.*—I was then instructed to see Mr. R. S. Wright (now Mr. Justice Wright) and ask him to draft a Bill. I had several interviews with him, and when the measure was drafted it was submitted to Mr. Harcourt and Mr. James. On May 6th the draft Bill was discussed at length in the Members' Room, House of Commons, and in outline agreed to. The revised draft was taken by me to Mr. Harcourt on the following day, when its provisions were again discussed. On that occasion he told me that Mr. Bruce, Mr. Gathorne Hardy, Sir John Coleridge, and others to whom he had spoken, agreed with the reasonableness of our demands, and promised to be no obstacle to their being passed.

13. *Endorsement of Bill by Trade Unions.*—The draft Bill as amended was then printed, and copies were sent on May 11th to Messrs. Harcourt, James, Harrison, and Crompton, to all members of the Parliamentary Committee, and to several leading trades unionists. The only person who wrote expressing dissatisfaction with the Bill was Mr. Daniel Guile. When finally revised the Bill was handed in at the Bill Office for the Queen's printers on May 13, 1872. It was issued to members of Parliament on May 18th, and copies were sent to the trade union secretaries of the country. On Saturday, June 1, articles appeared in the *Beehive* from Professor Beesly and Mr. F. Harrison adversely criticising the Bill; but these articles were based on the proof copies of the draft Bill sent out before the final revision. When the Bill was examined it was found that the special clause objected to had been deleted. It never was in the Bill as revised and issued by Parliament, which was the Bill of the Committee.

14. *Adverse Criticism of the Bill.*—In my official capacity I immediately called the London members of that Committee together. They met on June 6th, when it was agreed to summon a special meeting of the whole Committee to consider the Bill in question and other Bills then before the House of Commons. Notices were posted on June 7th, the Committee assembled on June 13th, and met again the following day. After a full discussion of

all the points, and explanations had been given, the action of the officials and of the London members was unanimously approved.

15. *Cause of Difference Explained.*—The articles of Professor Beesly and Mr. F. Harrison led to some discussion in the Press and to much correspondence with the officials of trade unions and trade councils in various parts of the country. After a full explanation of the points at issue the replies received from every union and trades council endorsed the action of the Committee and the Bill. Mr. W. Vernon Harcourt's conduct at this crisis deserves mention. I met him in the Lobby of the House of Commons, when he said to me, "I think you have been unfairly attacked in the *Beehive*. I thought of writing on the subject, so as to put matters right." He sketched out his article or letter. I said it was excellent. He sent it, the *Beehive* published it, and our attitude and action was approved. This act of Mr. W. Vernon Harcourt put us right with the unions and the country. The incident, however, gave members of the House of Commons an excuse for not supporting the Bill, which they readily availed themselves of to our disappointment.

16. *Debate in House of Commons.*—Our friends in Parliament who had backed the Bill stuck to it. Night after night it appeared on the Notice Paper, but no progress could be made. Mr. Macdonald and I were in the Lobby daily canvassing for support, but every obstacle was thrown in the way to prevent any further progress with the measure. After much delay, however, a night was secured for the second reading, the best that could be secured. It was Friday, July 5, 1872. A number of friends had consented to remain at the House until after midnight for the purpose of ensuring a debate. It was nearly half-past one on Saturday morning before Mr. Harcourt could rise to move the second reading of the Bill. Very able and conclusive speeches were made in its support by Messrs. Harcourt, H. James, Auberon Herbert, and A. J. Mundella. At length Lord Elcho (now Earl Wemyss) moved the adjournment of the debate, on the



ground of "the lateness of the hour." The motion was carried by a majority of two, and thus the Bill was got rid of for that Session.

17. *Attitude of Mr. Bruce.*—The debate on that occasion was pretty fully described by me in the *Beehive* of July 13, 1872. Its painful memories need not be revived now. But Mr. Bruce's attitude cannot be silently passed over. He defended the picketing clauses of the Act. The Government intended to make picketing a special penal offence, and were not prepared to take it out of that category. The tenor of his whole speech was in opposition to any amendment of the Act—quite the opposite to his attitude at our several interviews, and in flat contradiction to his letter to his constituents on April 2, 1872. The conduct of Mr. Bruce has always been to me wholly inexplicable. Most kind-hearted by nature, he was open to sympathetic feeling when approached upon the subject and the dire effects of the Act, by prosecution and imprisonment, were pointed out to him—loss of liberty and heavy expense for offences, if offences they were—and in some cases we disputed this—so trivial that a court of law ought never to have been appealed to at all. But the evil genius to which I have already referred seemed to be at work, and it was powerful enough to overawe Mr. Bruce's better judgment as expressed at private interviews, to public deputations, to colleagues in the House of Commons, and by letter to his constituents.

18. *Mr. Harcourt's Motion.*—Although the debate on the Bill was only adjourned, we knew that it meant shelving the measure for that Session. I therefore again consulted Mr. Harcourt, who agreed that the position was an unsatisfactory one, and he consented to take such further action as might be possible under the circumstances. He accordingly brought the matter before the House on a motion for adjournment. During his speech he asked Mr. Gladstone "whether, in consequence of the recent convictions under the Criminal Law Amendment Act, 1871, Her Majesty's Government would bring in a Bill this Session to amend and define the law, or afford

facilities for a discussion of a measure having that object." In the course of an able and effective speech he appealed to the Government to either take the matter up themselves or to give facilities for its discussion. It was urgent, prosecutions were numerous, and injustice was being done.

19. *Mr. Gladstone's Attitude.*—Mr. Gladstone was not impressed with the importance of the subject. His reply was chiefly jocular, devoted to a criticism of the way in which Mr. Harcourt had raised the question. But there was no other method—and Mr. Gladstone knew it. In the course of his speech he distinctly declared that "he was sorry to say that the Government were not prepared to bring in a Bill this Session for the purpose of amending or defining the Criminal Law Amendment Act, or to set aside other urgent public business in order to allow a discussion upon the subject of that measure." Mr. Gladstone, further, threw upon trade societies the onus of appealing in the Bolton and Hammersmith cases against the decisions given. This meant ruinous expense to the unions. But he ought to have known that an appeal in the Hammersmith case was impossible, and that in the Bolton case it was unnecessary. In both cases suffering was endured by those unjustly prosecuted, and large sums were expended in the defence of those men.

20. *Bill Abandoned.*—As nothing further could be done in Parliament, at the fag-end of the Session of 1872, the order for the Bill was discharged. The Parliamentary Committee had done their best to amend a very bad law, in order to prevent a recurrence of the unjust and cruel prosecutions which had taken place under its provisions. It was the smallest concession that could have been accepted by the trades of the country. The Committee came to the conclusion that such a small modicum of reform could never again be proposed or supported. In this spirit they reported to the next Congress. Amendment was rejected ; absolute repeal must be demanded.

## CHAPTER XXIII

### LABOUR LEGISLATION IN THE SESSION OF 1872

**A**LTHOUGH we failed, miserably failed, to repeal or even to modify the provisions of the Criminal Law Amendment Act, 1871, during the Session of 1872, yet the Session was an important one as regards legislation for labour, and for advancing some measures towards a foremost place in the near future. The Trade Union Act, 1871, remains to this day as one of the brilliant achievements of Mr. Gladstone's Government, 1868 to 1874, marred by the twin-measure, so disastrous in character as to call forth the severest condemnation of workers of all shades of opinion. Their urgent demand for its repeal was such that those who had supported the Act most eagerly had, at no distant date, to accede to the demand, since which both political parties lay claim to the victory. This one fact alone enhances the triumph of those who were the pioneer soldiers in that bitter battle, of whom Robert Applegarth, George Shipton, and I are now the only three survivors who took part in all the earlier events of 1871 and 1872. Leaving now for a while the story of the Criminal Law Amendment Act and efforts for its repeal, other measures in 1872 require to be dealt with.

1. *The Mines Regulation Acts, 1872.*—The protection of miners is a branch of legislation of the same group as the Factory Acts, and can only be referred to here briefly as part of the work which devolved upon the Parliamentary Committee in the Session of 1872. The chief

labour in connection with these measures fell to the lot of the miners' delegates, whose devotion, earnestness, and practical ability had paved the way, and whose fairness and prudence did much, during their passage through Parliament, to ensure their acceptance with no serious mutilation. Without being invidious, it is only right to say that Alexander Macdonald deserves much credit for his onerous share in that important work. I was ever by his side as friend, counsellor, and helper, representing the Parliamentary Committee of which he was chairman. Some of the miners' delegates deserving mention, were Thomas Halliday, William Pickard, John Normansell, William Crawford, and some others at that date well known.

2. *Government Bills*.—The Bills of the Government embodied demands often made by miners' conferences, either in the Coal Mines Regulation, or its companion measure, the Metalliferous Mines' Bills of 1872. Mine-owners resented the "interference" and regulation, but Mr. Bruce, himself largely interested in mines, steered the measures safely through all their stages. The Parliamentary Committee considered and reported upon the measures on February 23rd, their report being sent to the newspapers, in which all trade unions were urged to support them. A further report was issued on April 13th, and on the 15th a letter of mine appeared in the *Times*, in which some concessions to the mineowners were condemned, especially as to the employment of women and children. This joint action between the miners' delegates and the Parliamentary Committee assisted greatly in overcoming opposition to the measures, and helped to ensure their passing into law as 35 and 36 Vict., c.c. 76 and 77, in the Session of 1872.

3. *The Arbitration Act, 1872*.—The subject of arbitration and conciliation in labour disputes will be dealt with in a future chapter;<sup>1</sup> for the present, therefore, only incidents as to the preparation and passing of the Bill will be referred to. In the two first Trades Union Congresses resolutions in favour of arbitration were adopted. At the

<sup>1</sup> See Chap. XXXIX.

third Congress, in London (1871), the Parliamentary Committee were instructed to prepare a Bill to lay before the fourth Congress, held in Nottingham in January, 1872. Mr. (afterwards Sir Rupert) Kettle was kind enough to draft a Bill, which the Congress approved. The new Parliamentary Committee thereupon instructed me, as secretary, to send the draft Bill to the five members who had consented to back the Bill, namely, Mr. Samuel Morley, Mr. Thomas Brassey, Mr. W. H. Smith, Mr. Thomas Hughes, and Mr. A. J. Mundella, and arrange for an interview. I met them on February 28, 1872, when some exception was taken to the form and wording of the measure. As we did not expect to get further than the first or at most second reading of the Bill, I asked them to introduce it as a feeler. It was suggested, however, that the Bill should be referred to Mr. R. S. Wright. At a meeting of the Committee on the following day, with the five members named, it was agreed to refer the Bill to Mr. R. S. Wright, and meet again to discuss the matter. The meeting suggested that I should write to Mr. Rupert Kettle asking him to prepare a short memorandum as to the object and purposes of the Bill. I did so. On March 7th I received from him a full and clear statement as to the objects, purport, and intentions of the measure. That statement appeared in the *Beehive* of March 23rd, slips being sent to the backers of the Bill, to Messrs. Kettle, Crompton, Wright, and all members of the Committee.

4. *Sir Rupert Kettle's Bill*.—Some delay having taken place, it was feared that the Session might pass without anything being done. The Committee, therefore, instructed me as secretary to see Mr. Mundella, with respect to the introduction of the Bill, which I did on March 19th; I also saw Mr. Wright, who decided that the Bill as it stood would not affect the object intended. On April 3rd I met Mr. Kettle at Bolton and told him how we stood. He endorsed all that we had done, though he thought that his Bill as drafted met the case. On April 6th Mr. Macdonald and I saw Mr. Wright,

and went over the whole subject; on the 13th we met again, when the draft outline was settled. On the 15th and 16th the Committee met members of the House, when it was decided to introduce the Bill on April 17th, and on the 18th it was handed in to the Queen's printers.

5. *Mr. Wright's Bill—Passed.*—There were, after the issue of the Bill, many interviews with Mr. Wright, Mr. Kettle, the backers of the Bill, and other members of Parliament. The Bill was read a second time on June 12th. On July 12th the Bill passed through Committee without a division. On July 17th it passed a third reading. Lord Kinnaird took charge of it in the House of Lords, where it passed all its stages unopposed, and received the Royal Assent on August 6, 1872. The Act was never put in force, as it was hampered by the limitations of the Act of 1824, but the object was good, and as a piece of legislation on the old lines it was excellent. Mr. Mundella in the House of Commons, Lord Kinnaird in the House of Lords, and Mr. R. S. Wright deserve much praise in this connection, as do all those who backed the Bill, and Mr. J. Hinde Palmer for valuable suggestions.

6. *The Factory Workers' Nine Hours' Bill.*—This measure was promoted by a committee composed of factory operatives and others, among the latter being Lord Shaftesbury, to whom the workers in textile mills and factories owe so much. In consequence of the resolution passed on this subject at the Nottingham Congress, the Parliamentary Committee offered their services to the "Factory Workers' Short-time Committee" in any way the latter thought expedient, in order to ensure united support for the Bill. Some members of the latter committee, which was composed of trade unionists, and non-unionists, thought it inadvisable for the Congress's Committee to take any active part in the movement as an organised body, and accordingly we abstained from active participation in the work. Later on, however, the delegates of the factory workers held a meeting, when it was unanimously resolved to ask our co-operation, which

was promptly and cheerfully rendered thenceforth. In recording this incident let me say that the interviews between the two bodies were perfectly cordial from first to last. The only question that arose was one of policy—expediency; there was no friction; both sides acted in good faith, the only object being to promote the success of the Bill.

7. *Its Supporters and Fate in House of Commons.*—The subject of factory legislation requires to be dealt with as one of the groups of Protective Acts. For the present I only touch upon what was done in the Session of 1872. Mr. A. J. Mundella had charge of the Bill, which was backed by Messrs. George Anderson, Samuel Morley, R. N. Philips, Thomas Hughes, R. M. Carter, Richard Shaw, J. Hinde Palmer, and George Armistead. It was introduced by Mr. Mundella, and read a first time on April 15th. Day after day, week after week it was down upon the Notice Paper of the House of Commons for a second reading until July 31st, when, being the third Bill on the list, it failed to obtain a place. Mr. Mundella was untiring in his efforts, but he found scant support in the House. The Factory Operatives' Committee and the members of the Parliamentary Committee, jointly and severally, did all they could to ensure support for the Bill; opposition and obstacles of all kinds were encountered, and from all quarters. Night after night we were in the Lobby to answer questions, to urge support, and give information, but to no purpose, as far as progress with the Bill was concerned. Our efforts, however, met with some success, for the Government appointed a Commission to inquire into the working of the Factory Acts and as to the effects of factory life upon the workers, physically and socially, which Commission did its work conscientiously and most efficiently, and paved the way for legislation. Messrs. Birtwistle, Leigh, Ashton, Mawdsley, and others, representing the textile operatives, worked arduously for their constituents; they deserved success, and obtained it subsequently, after some further delay. But the factory delegates felt aggrieved at their failure. At a delegate

meeting held at the Westminster Palace Hotel on August 31, 1872, a resolution condemnatory of the attitude of the House of Commons was carried, and it was resolved to "prosecute and promote the agitation for the Nine Hours' Bill until it was brought to a successful termination." Though beaten for a time they were not disheartened, and in due season they reaped their reward.

8. *Truck—Payment of Wages Bill.*—This was a Government Bill, brought in by Mr. Bruce and Mr. Winterbotham on February 22, 1872, but at so late an hour that no remarks of any kind were made, either on the part of the Government or by any member in the House. This subject also will be dealt with in another chapter;<sup>1</sup> meanwhile the main facts as to this particular Bill may be related. On March 6th I obtained information to the effect that a movement was on foot to get the Bill referred to a Select Committee, with the intention of shelving it if possible. I thereupon called the Committee together, to consult and decide upon some line of action. The Committee regarded any such reference unnecessary, seeing that a Royal Commission had only recently inquired into the subject, and reported. But, if referred at all, the Committee urged that the Bill be only so referred after being read a second time. I was therefore instructed to take prompt action by promoting petitions to the House of Commons, memorials and resolutions to be sent to Ministers, and resolutions from constituencies to their representatives in Parliament. Meetings were organised in constituencies where it was understood that the local member was opposed to the Bill. All kinds of legitimate political pressure was brought to bear in support of the Government measure. The contention was that if the Bill was referred before the second reading the entire scope of the measure could be recast and remodelled; after the second reading, when the principle of a Bill is affirmed, the amendments must conform to the main principle of the Bill. We therefore went upon these lines in our agitation.

<sup>1</sup> See Chap. XXXVII.



9. *Reference to a Select Committee.*—The Bill was down for second reading on Monday night, March 18th, but it was half an hour after midnight before it was reached. Mr. Winterbotham spoke for the Government. Most of the other speakers who addressed the House really spoke to the members of the Parliamentary Committee, several of whom were “under the gallery,” and consequently actually within the House, though, technically, not *in* it. After debate, Mr. Bruce, in reply to Mr. Gathorne Hardy, agreed to refer the Bill to a Select Committee, and consequently no division took place, the Bill being read a second time.

10. *Action of Parliamentary Committee.*—Our next anxiety was as to the composition of the Committee. To our regret we found that there was a majority upon it in favour of deductions from wages, in certain cases. On April 10th the Parliamentary Committee sent out a statement to the trades explaining the nature and bearing of the provisions in the Bill, and suggesting such action as was deemed advisable in support of the Government measure. The circular was a public one, and was sent to the newspapers, most of which commented favourably upon it. In this case the public were with us on nearly all points—quite a new experience to most of us, who were so often denounced.

11. *Deductions from Wages, and Weekly Pays.*—Early intimation was given to me as to the nature of amendments to be proposed in the Bill; among other things that a dead set was to be made in favour of certain deductions, and against weekly pays. On April 23rd Mr. Brogden tried to anticipate the Committee’s report by a motion in the House, but as Mr. Bruce and Mr. Winterbotham opposed the motion was lost. Two days afterward (April 25th) the Select Committee approved of weekly pays, but only by a majority of one. A further amendment to neutralise that decision was lost by a majority of three. It now became evident that supporters of truck on the Committee meant to destroy the Bill, or so to emasculate it that it should be valueless for its

purpose. The Parliamentary Committee, therefore, in concert with trade unions in various localities, organised a series of great meetings in Wednesbury and other places in the Midlands, in Yorkshire, North and South Wales, and other districts, especially in places where their representatives in Parliament evinced opposition to the Government Bill, particularly in the iron and coal districts of the country.

12. *Truck Bill as Amended.*—The Select Committee held its final meeting on May 6th, and thereupon reported formally the Bill to the House. On the 9th I obtained proofs of the amended Bill, only to discover how sadly it had been mutilated. In one instance only was the Bill improved, on the motion of Mr. Pell, by which the provisions as to deductions were extended to “frame-rent charges.” The Parliamentary Committee met and decided to advise the withdrawal of the Bill. An analysis of its provisions was prepared and sent to the trades, pointing out the changes made by the Select Committee and their efforts, and informing the trade unions of the country our reasons for urging the withdrawal of the Bill. Our conduct was unanimously approved.

13. *Opposition to Amended Bill.*—The Parliamentary Committee requested me to prepare a memorial to the Home Secretary, embodying their views, and to ask him to receive a deputation on the subject. This he agreed to do, and fixed June 13th for the interview. Every member of the Committee attended on that occasion. At the request of Mr. Winterbotham another meeting took place at the Home Office, when every phase of the question was discussed. Meeting after meeting took place in the provinces in opposition to the “amended Bill,” and so Mr. Gladstone, on July 16th, withdrew it—slaughtered, with other innocents of the Session.

14. *Memorial, Deputation to Mr. Bruce, &c.*—Copies of the memorial to Mr. Bruce, correspondence relating thereto, and a special report of the deputation were published by me at the time, and were extensively circulated.

A brief synopsis follows. The memorial stated that the Bill of the Government had the cordial support of the trades; that, as "amended," it had become impaired; that weekly payments of wages were altogether practicable, as evidenced in the adoption of the system in the principal factories of Lancashire and Yorkshire; while in other large industries it was, and long had been, the rule; that, as "amended," the Bill opened the door to the worst forms of truck; that it was easy for an employer to estimate wages accruing; and therefore the memorialists urged that wages should be paid weekly without deductions for any purposes whatever.

15. *Objections to Bill—how Met.*—The Parliamentary Committee embodied their objections in a circular to the trades signed by every member. At the deputation Mr. Howell read the memorial and addressed the Home Secretary; he was followed by Messrs. Alexander Macdonald, John Kane, Wm. Leigh, William Allan, Thomas Halliday, W. H. Leatherland, and others. Mr. Bruce, in reply, stated that he regretted the absence of a working-man representative on the Select Committee, but there was not a single labour member in the House, and therefore the Government selected those most in sympathy with the cause of labour. He would convey to his colleagues the views of the deputation. He personally was averse to truck; he lived in a district where truck was carried on; he had seen its operation and direful consequences. He was in favour of regular payments in money; but there were great difficulties. He went on to say that the difficulty was not so much with truck as opposition to weekly payment of wages, which was regarded as an interference with the law of contract. He argued that workmen would rather pay fines than be discharged. As some dissent was expressed at Mr. Bruce's observations Mr. Winterbotham asked three of the deputation to meet him and confer about the Bill. The deputation then thanked Mr. Bruce and withdrew.

16. *Home Office and the Bill.*—The Committee appointed Messrs. Alexander Macdonald, William Allan,

and George Howell to meet Mr. Winterbotham on Monday, June 17th. The Under-Secretary of State had with him Mr. Albert Bateson. Nearly three hours were spent in going over the provisions of the Bill, the objections of the workmen, and the contentions of employers. Mr. Winterbotham admitted that some of the "amendments" were objectionable and ought to be struck out, and that others were doubtful at the best, and would therefore be considered. The deputation warmly thanked Mr. Winterbotham for his courtesy and for devoting so much of his time to the consideration of their objections. In this connection we all felt that Mr. Bruce was weak as a Minister, but thoroughly in sympathy with our objects as a man, and even as an employer. Mr. Winterbotham looked at the matter as a lawyer and member of the Government, but his sympathies were no less obviously in our favour.

17. *Compensation for Injuries to Workpeople.*—The Bill for securing compensation for injuries by workmen in the course of their employment was originally prepared by, or for, the miners. The Nottingham Congress adopted the measure and relegated it to the Parliamentary Committee for them to take steps to have it introduced into the House of Commons. The Bill was limited in character, being chiefly designed to amend what is known as Lord Campbell's Act, 9 and 10 Vict., c. 90. That Act provided for compensation in case of death by accidents, but not for non-fatal injuries. The Bill had been entrusted to Mr. Serjeant Simon in 1869 and 1870, but no step had been taken in connection therewith. On February 14, 1872, Mr. Alex. Macdonald and I waited upon him at the House of Commons, when he promised to consider the matter and take charge of the Bill. After waiting nearly two months I again waited upon him; he excused the delay on the ground of ill-health and pressure of business. After further delay we again waited upon him, when he suggested that we should place the Bill in other hands.

18. *New Bill and Attitude of the Government.*—We accordingly saw other members of the House, and at last

we obtained the consent of Mr. Walter Morrison to take charge of the Bill, Mr. Andrew Johnstone and Mr. J. Hinde Palmer agreeing to back it. In our interviews with those gentlemen it was suggested that the Bill be referred to Mr. R. S. Wright, by whom it was re-drafted. It was not until July 17th that the Bill was read a first time, the second reading being fixed for August 7th. On that date Mr. Chichester Fortescue, on behalf of the Government, promised a Bill in the next Session, whereupon Mr. Hinde Palmer asked leave to withdraw the Bill. The measure drafted by Mr. Wright was vastly superior to the original Bill; it was complete in itself, and fully met all the requirements of the Committee and of workpeople generally.<sup>1</sup>

19. *Meeting and Decisions of the Parliamentary Committee.*—In consequence of the position of the several Bills in Parliament a special meeting of the full Committee was convened for June 20th and following day. Every member attended. As secretary I gave a full and detailed report of all that had been done by the London sub-committee and by the officers, Messrs. Macdonald, Allan, and myself. Copies of all correspondence were presented, and of all circulars, reports, memorials, and even paragraphs, &c., in the Press, so that the Committee might have all the materials necessary for a full consideration of all the Bills before Parliament and of the measures proposed, and action taken by the officers and sub-committee. The Parliamentary Committee unanimously approved of everything that had been done in a series of thirteen resolutions, which resolutions were printed and circulated as part of the rather elaborate report issued to the trade societies of the kingdom in July, 1872, copies of which were sent to all the principal newspapers.

20. *Admission to the Lobby.*—At the meeting adverted to the chairman and secretary complained of loss of time in gaining admission into the Lobby. Under the new rules bodies requiring admission into the Lobby had to obtain permission and to be placed on the Speaker's list. Numerous bodies had that privilege, but it was denied to

<sup>1</sup> See Chap. XXXVIII.

the representatives of the workmen. We had to send in our names to members, and they had to come into the Central Hall and pass us into the Lobby. Sometimes the member sent for was not in ; sometimes I fear that the member was not so desirous of seeing us as we were to see him. In which case we got no reply. The waste of time was considerable, and we felt at a disadvantage compared with other bodies, political and otherwise, and "agents," whose object was personal gain. We had applied to Mr. Speaker and to the Sergeant-at-Arms for the same privilege of admission, but in vain. I fear that we had become a nuisance to some honourable members by our persistency, watchfulness, and continual presence. But we never begged for money. No member was ever asked to subscribe—we only wanted his support and vote. On the whole members were courteous, and willing to come out to pass us in ; but it was the waiting, the loss of time, the weariness of the thing.

21. *Secretary Placed on the Speaker's List.*—On this being reported, the Parliamentary Committee instructed the secretary to appeal to the Prime Minister, Mr. Gladstone, and in the end we were placed on the Speaker's list. Thereafter, except for about six-and-thirty hours, to be adverted to further on, we had the freedom of the Lobby, and our work was consequently easier. We were on the spot—a convenience not only to ourselves, but to Ministers and members of the House of Commons who desired to consult us.

22. *Public Meetings and Labour Questions.*—During the last five months of the year 1872 meetings were held in various parts of the country, some of them being imposing demonstrations, in favour of the repeal of the Criminal Law Amendment Act, 1871 ; of the Payment of Wages (Truck) Bill ; Compensation for Injuries Bill ; Amendment of the Master and Servant Act, and other measures. Wherever we went there were enthusiasm, unanimity, and a determination to obtain from Parliament what we deemed to be our just demands, and some members had a warm time of it in their autumn visits to their constituencies.

## CHAPTER XXIV

### LABOUR MOVEMENTS IN 1873

IN the preceding chapters reference is mainly made to the Liberal Party when political parties are alluded to. The reason, as previously adverted to, is that the active labour leaders mostly belonged to or supported that party in the constituencies, and therefore depended upon "Liberal" support in matters of legislation. The difficulties with that party have been described in connection with the several measures promoted by the Parliamentary Committee as representing the working classes and having their mandate. Mr. Gladstone's Government had been in office four years, during which they had passed (1) the Trade Union (Protection of Funds) Act, 1869; (2) the Trade Union Act, 1871; (3) the Criminal Law Amendment Act, 1871; (4) and the two Mines Regulation Acts, 1872. Not a bad record if the third measure were left out. They had also tried to pass a Truck Bill, and promised one for compensating workpeople in case of injury while following their employment. We had also managed to get passed Mr. Mundella's Arbitration Act, 1872. The record is only marred by one measure, but that one was a sad blot. During the year 1872 trade unionism advanced by leaps and bounds, as did also our trade and commerce. Not only did the number of union members increase, but there had grown up more hearty co-operation among the various unions, resulting from the trades congresses, the work of the Parliamentary Committee, and the earnest labours of the more prominent men in the trade union move-

ment. Cohesion, unity of purpose, enthusiasm, and healthy activity were manifest on all sides.

1. *The Leeds Trades Congress, 1873.*—The Fifth Trades Union Congress met in Leeds on January 13, 1873. The sittings lasted six days. The number of delegates present was 131, representing 140 societies, with an aggregate membership of 739,074, besides thirty-two societies in Dublin, whose number of members was not given. After the election of officers and other formal business, I, as secretary to the Parliamentary Committee, read the report, consisting of twelve large octavo pages of closely printed matter, giving full details of all the subjects relegated to them, and their action thereupon. Copies of all other documents were put in and taken as read, because these had been previously circulated, from time to time, when printed. A synopsis of the report and all other documents having been given in previous chapters, each under its special head, there is no need to enlarge upon any of the subjects here. One additional document, however, requires to be noticed, prepared by one outside the Committee.

2. *Mr. Henry Crompton's Report.*—(a) Mr. Henry Crompton prepared a special report on the Criminal Law Amendment Act, 1871, which was presented to Congress as part of the Parliamentary Committee's report, the main points in which, coming from a lawyer of Mr. Crompton's ability and experience, deserve to be noted. I give its general purport, quoting the writer's own words where deemed advisable, and, where summarised, his impressions and conclusions. After referring to the printed list of cases under the Act, he says: "Men have been convicted for simply standing still in the street, when there was no attempt at intimidation or coercion—without word or gesture having been used. Seven men were sent to gaol in one batch, at Perth, for doing nothing except picketing, that is, the mere waiting for a fellow-workman, accosting him, and endeavouring to influence him by argument or persuasion," declared by the Act to be a crime. "Seven were sent to prison for



shouting at a man." "I heard shouting, but cannot say where it came from," said the man in his evidence, but they were convicted and imprisoned. "At Hammersmith a magistrate decided that the giving of a handbill in the street, containing the following sentence: 'By so refusing you will forward our cause, as well as your own, as working men,' was coercion."

(b) Mr. Crompton went on to point out that "assaults, intimidation, or threats of violence" were offences deserving of punishment, by whomsoever committed, and it was unjust to make these penal offences only in the case of workmen during a labour dispute. He goes on to say: "Mr. Gladstone asserted in July (1872) that there had been a hundred decisions under the Act; and that the working men only objected to three or four of them. This statement was untrue, misleading, and ungenerous; he took no pains to distinguish between those which could have taken place under the ordinary criminal law and those that could not. Instead of objecting to four only, the representatives of the workmen have objected to all of them, except those of violence and threats of violence. Mr. Gladstone knew perfectly well that Congress had unanimously protested against the whole law."

(c) He continued: "Parliament, by its rejection of Mr. Harcourt's Bill, and Mr. Gladstone, by his flippant refusal of the demands of Congress, have entirely changed the position of affairs. Mr. Harcourt's Bill was the most moderate compromise that could have been offered to the House of Commons. Parliament and Mr. Gladstone have refused all compromise and concession. The matter has passed beyond the stage of argument." Mr. Crompton went on to condemn the Master and Servant Act, the Small Penalties Act, and others under which breach of contract by workmen was treated as a criminal offence, and cumulative fines were imposed, enforced by imprisonment. He also strongly condemned the law of conspiracy as applied in labour disputes. The whole paper was a masterly review of the Criminal Law

Amendment Act, and other Acts relating to labour, in their character, bearing, and effects, and also of decisions in courts of law under those Acts.

(d) In conclusion, Mr. Crompton urged widespread "agitation throughout the land." "Parliament," he said, "has trifled too long upon this matter, playing a game of deception; declaring at one time that they would do what was wanted in order to avert the rising popular indignation; and then, when the agitation had subsided, they passed the Criminal Law Amendment Act, in spite of their pledged word, which they falsely and perfidiously broke." He ended by suggesting a programme to the Congress, the six points of which will be noted in the resolutions. That valuable paper was mainly the basis of what was resolved to be done by the Leeds Congress.

3. *Proceedings in Congress*.—Mr. Henry Crompton read his very able paper, for which he was most cordially thanked. His offer of five thousand copies for distribution was accepted with hearty cheers. The report of the Parliamentary Committee was unanimously accepted, and Congress decided to discuss it section by section. This was done. The conduct of the Committee was approved as regards: (1) The Mines' Regulation Bills; (2) the Arbitration Act; (3) the Factories Nine Hours' Bill; (4) the Truck Bill; (5) the Compensation to Workmen Bill, and (6) the Criminal Law Amendment Act. As regards the latter, Congress resolved to agitate for its total repeal, and not to spend further time in trying to amend it. The resolution unanimously adopted was: "That whilst we acknowledge the valuable services of the Trade Union Parliamentary Committee, we desire to record our determination not to rest until we obtain a total repeal of the Criminal Law Amendment Act."

4. *Compensation for Injuries Bill*.—With respect to the Compensation Bill Mr. Howell read a letter from Mr. Chichester Fortescue, dated December 10, 1872, in which his private secretary said: "In accordance with his promise in the House last Session, he (the President of

the Board of Trade) will be prepared to introduce a Bill in the coming Session to amend the law relating to compensation for injuries to workmen and servants. Mr. Fortescue desires me to say that a Bill is being prepared which will include the cases provided for by Mr. Hinde Palmer's Bill." That promise was not redeemed, and it was not till eight years afterwards, in 1880, that a measure was carried making employers responsible for injuries to their workpeople caused by accident in the course of their employment.<sup>1</sup>

5. "*Standing Orders*" for Congress.—Among the other duties of the Parliamentary Committee in 1872 was that of preparing a series of "Standing Orders" for the government of Congress. These consisted of twenty-six rules as unanimously adopted by the Congress. The first draft consisted of thirty rules, proofs of which were first sent to every member of the Committee, and to some of the leading officials of trade unions. After revision, copies were sent to all trade unions and trades councils for approval, or for suggested amendments. Only two out of the thirty were criticised, and amendments suggested. The final revision reduced the number to twenty-six; these were reported to Congress and adopted. The plan of sending out the proposed Standing Orders a long time before Congress assembled saved much time; there was little discussion upon them and no amendment.

6. *Balance sheet for 1872*.—The balance sheet presented to Congress showed that the total receipts, by voluntary grants from trade unions, was £295 16s. 6d. The total expenditure was £200 12s. 10d. This expenditure included printing, stationery, postages and telegrams, reporting special interviews, salaries, committees and delegations, loss of time and travelling expenses. This left a balance in hand of £95 3s. 8d. Delegates' subscription to Congress, 131 at 10s. each, £66; the balance in hand of the Leeds Trades Council, £5 9s. 2d.; total, inclusive, £166 12s. 10d. Cost of Congress,

<sup>1</sup> See Chap. XXXVIII.

£46 14s. 6d.; balance in hand for the year 1873, £119 18s. 4d. It will be seen that the expenditure was very small compared with the work of the Parliamentary Committee. The aggregate expenditure from March, 1871, to January 18, 1873, was only £217 19s. 6d., all inclusive. The imaginary "bloated delegates" of the newspaper press were of the lean-kind in this instance.

7. *Parliamentary Programme*, 1873.—The programme decided upon by the Congress was the result of much consideration and deliberation. Mr. Crompton had suggested six points at the end of his paper, as follows: (1) Repeal of the Criminal Law Amendment Act; (2) abolition of imprisonment for breach of contract; (3) repeal of the Small Penalties Act; (4) reform of the Conspiracy Laws; (5) Royal Commission to inquire into the mode in which summary jurisdiction of magistrates has been exercised; and (6) amendment of the Jury Laws. In considering the above, a resolution was carried unanimously condemnatory of the Criminal Law Amendment Act, the Master and Servant Act, and the application of the law of conspiracy to labour disputes, and other laws adverse to labour, and calling upon the working classes to organise throughout the country, "with the view of opposing every candidate at Parliamentary elections who would not pledge himself to vote for the abolition or alteration of any law affecting injuriously the character and freedom of trade unions."

8. *Modes of Procedure*.—The modes in which the Parliamentary Committee were to work, in order to achieve the objects aimed at, were so well defined in the resolution next carried, that it is better to quote it in full than attempt to summarise it. Resolved unanimously: (1) "That an Act of Parliament be prepared embodying the first, second, and fourth points of Mr. Crompton's paper, and consolidating the law affecting trades' combinations into one Act. (2) That an independent motion be brought forward in the House of Commons, based upon the third, fifth, and sixth points. (3) That another motion be brought forward in the House of Commons

demanding an alteration in the constitution of the jury system—a system too exclusively drawn from the middle classes ; and that such reconstitution shall be based upon the principle of the admission of the working classes to discharge the duties of jurymen. (4) That all action of the Parliamentary Committee shall be founded upon the distinct understanding that the Criminal Law Amendment Act is to be totally repealed, and no compromise accepted of any sort or kind.”

9. *General Resolves of Congress*.—The above resolutions indicate the temper of the delegates at the Congress. The attitude was one of “no compromise.” Another resolution instructed the Parliamentary Committee to take such action as they thought fit to amend the Trade Union Act, 1871, as regards the protection, management, and investment of funds. Resolutions were passed with reference to the great dispute then existing in South Wales between the ironworkers and miners and their employers, urging arbitration as a means of ending it, and pledging the delegates to use their best efforts in their several unions to obtain funds to support those who were out. Mr Joseph Arch read a paper on the employment of women and children in agriculture. Congress supported his view, and expressed satisfaction at the formation of unions among agricultural labourers. Resolutions were also passed respecting weights and measures used in connection with labour ; stoppages from wages in the Potteries ; limitation of apprentices ; piecework ; prison labour ; co-operation ; representation of labour in Parliament ; arbitration in labour disputes, and also in international disputes among nations. At the great public meeting the speeches were mainly in reference to the Criminal Law Amendment Act and the sentence on the gas-stokers.

10. *Memorial on Gas-stokers' Sentence*.—With reference to prosecution of the gas-stokers, and the cruel sentence passed upon them, it is essential that the whole story should be told from beginning to end. But, first of all, this is what took place at the Leeds Congress. I had prepared a memorial to the Home Secretary on the

severity of the sentence, which memorial was approved by the Standing Orders' Committee, and by them submitted to the Congress. The memorial was as follows: "Sir,—We, the undersigned, beg most respectfully to lay before you, as the representative of the Government for the Home Department, this memorial, praying for a mitigation of the sentence passed by Mr. Justice Brett on the London gas-stokers, at the Old Bailey, on Thursday, December 19, 1872.

"Your memorialists humbly submit that these men did not intentionally and with malice aforethought violate the law; but this Congress, without wishing at this time to question the legality of the verdict, express astonishment and profound regret that men, acting in what they conceived to be their *bonâ fide* right, should be so severely sentenced. If there were a necessity to vindicate the law of contract, the punishment which the men had already endured was more than ample for the offence. The deep feeling and painful surprise at the severity of the sentence felt in all parts of the country, as well as a sense of justice and humanity, leads this Congress, representing 628,384 men, in Great Britain and Ireland, as detailed in the list appended hereto, to pray for the release of the prisoners now under sentence of twelve months' imprisonment in Maidstone Gaol. We therefore pray that you would advise Her Majesty's Government to advise the exercise of her royal clemency to release those poor men without delay."

II. *Leeds' Welcome to the Delegates.*—The Congress unanimously adopted the memorial to Mr. Bruce as drafted, and, on the motion of Mr. George Odger, every delegate present at Congress signed his name and address thereto. The reference in the memorial to the legality of verdict and sentence was intentionally inserted by me, because I was then questioning it in the "Gas-stokers' Committee," of which I was a member, the reasons for which will appear in the next chapter. The Leeds Congress was in every way a success. The Municipal Council, and the inhabitants generally, warmly welcomed the delegates and feasted them; the local trade unions did their best to ensure comfort and graceful recognition. It was at this Congress that Mr. Plimsoll first delivered copies of his notable work—"Our Seamen"—at a banquet, and the delegates pledged themselves to assist him in his work.<sup>1</sup>

<sup>1</sup> See Chap. XXVII. for story of the Plimsoll movement.

## CHAPTER XXV

### THE STORY OF THE GAS-STOKERS' PROSECUTION, SENTENCE, AND RELEASE

THE circumstances and results of the gas-stokers' prosecution, trial, sentence, and ultimate release are of such importance in connection with the agitation for and, ultimately, the passing of the labour laws, that the story must needs be told, and that too by one conversant with the hidden facts, as well as with those told at the time in the Report of the Gasworkers' Defence Committee, in the newspaper press, and in the debates on the question in the House of Commons.

1. *Dispute at the Beckton Gasworks.*—The facts relating to the dispute at the Beckton Gasworks, in brief, were these: In 1872 trade and commerce were prosperous—advancing “by leaps and bounds.” Wages also were advancing in most industries, in some at rates regarded as phenomenal. The gas-stokers thought that they too should share in the general prosperity. But they had no union to help them. In the summer of 1872 meetings were held, and in August and September a union was formed. The agitation was kept up, and the men resolved to seek an advance in wages and a reduction in the working hours. The two things were linked together. The wages were not bad, had the hours been reasonable. The rates were: Labourers, 3s. 6d. per day; coke-spreaders, 31s. per week of seven days; stokers from 37s. 4d. to 38s. 9d. per week of seven days. The hours alleged to have been worked were often 80 per week. The men had

only one day off in each four weeks. This they complained of as unreasonable.

2. *How the Dispute Arose.*—The effects of the men's agitation and the formation of the union were soon apparent. Out of twenty-five gas factories then in the metropolitan district, fourteen closed from 6 a.m. till 6 p.m. on Sundays. These men also asked for 6d. per day advance in wages. The concessions made were, of course, under pressure, and the managers of the companies, or some of them, vented their anger upon the leaders, who were weeded out on one pretence and another. The men resented this, and, instead of quietly supporting the discharged men until the storm was over, clamoured for their reinstatement. The methods of weeding out varied, but here are two instances. On November 22nd two men at the Beckton Gasworks (E. Jones and T. Dilley) presented a memorial to the manager, Mr. Trewby, on behalf of the men, for an advance of 6d. per day for the coal-wheelers. On the same afternoon Dilley was ordered from his regular work to other work to which he was unaccustomed, and for which, it was alleged, he was physically unfit. He excused himself, and on the day following he received seven days' notice to leave the works. A day or two later on one of the men at the Fulham Gasworks was summarily discharged without notice for refusing to do work not in his contract, he being at the time on a piece-work job. The men thereupon held a meeting, and sent a deputation to the manager, who, after hearing the deputation, reinstated him. The foreman, in the absence of the manager, again discharged him. The men expostulated, and when the night gang came to their work the gates were closed against them. That was on November 29, 1872.

3. *General Strike Resolved Upon.*—The Gas-stokers' General Council met on the evening of that day to consider the position, and they decided that Dilley should accept his discharge, and be supported without a strike. His notice being up on November 30th, he left the works—discharged. Meanwhile the lock-out of the night gang



at Fulham had complicated matters. The secretary of the men's union sought an interview with the manager of the Fulham Gasworks on November 30th, so as to prevent a strike. In this he was unsuccessful. There was an open-air meeting of the men on the same day on Clerkenwell Green, when it was resolved to call out the whole of the men employed by the company. At another meeting, held in the evening, a general strike was resolved upon. The only excuse for so wild an act is that the men were exasperated by reason of their leaders being victimised, and they had no experience of trade unionism. Their union was only three months old. Neither the men nor their leaders consulted older and more experienced men in the labour movement, whose services were always at command. They were angry, and acted according to their own sweet will.

4. *The Strike and Breach of Contract.*—The next day was Sunday, and on Monday, December 2nd, the men at the Beckton Gasworks demanded the reinstatement of Thomas Dilley. Mr. Trewby, the manager, objected. The men refused to start work. Mr. Trewby reminded them of their agreements, and gave them ten minutes to reconsider. The men were firm, and the whole five hundred men employed left the works. On December 5th five hundred summonses were applied for and granted, and within ten days of that date twenty-four men had been sent to prison for breach of contract, under § 14 of the Master and Servant Act, each for six weeks' hard labour, and the chairman of the meeting for three months' hard labour. Consternation seized upon the men; the committee fled, all except the secretary; the funds of the union were exhausted, the whole movement had collapsed.

5. *Prosecution for Conspiracy.*—Had the Gas Light and Coke Company been content with using all the powers of the law under the Master and Servant Act for breach of contract, the Gas-stokers' Defence Committee would probably never have been heard of. The men acted wildly, blindly, hastily, without forethought, or perhaps care of the consequences. The men at Beckton admitted that they

might be acting illegally ; they determined to face the penalties. Of those employed six men selected by the superintendent were prosecuted for conspiracy. As a matter of fact, their offence, like that of the other 494 men, was breach of contract, on proof being given. In the summons, issued on December 5, 1872, at the Woolwich police-court, it was alleged that they, "with divers other persons, did unlawfully, wickedly, wilfully, and maliciously conspire, combine, confederate, and agree together by divers threats, uttered to the said superintendent, to obtain, extort, and procure the promise of him, contrary to his own free will, to take back and reinstate in the service of the company one Dilley, who had been in the service of the company, and therefrom lawfully, and for good and sufficient cause and reason, discharged." The charge as above is varied and repeated in the summons, so as to include compulsion to reinstate Dilley, and to cover alleged breach of contract, conspiracy, and other offences. It was a widespread net, designed to obtain a conviction at any cost.

6. *Evidence of Prosecutor.*—The case was heard at the Woolwich police-court on December 10th. The prosecutor stated in his evidence that the whole of the men employed in night and day gangs, about five hundred, asked to see him (the superintendent). When he met them, and asked what they wanted, one of the men, named Webb, stated that they had resolved not to commence work until Dilley was reinstated. Mr. Trewby thereupon reminded the men that they were under contract, some for a month, others by the week, and that they had "no right to leave work without a proper notice." He then gave them ten minutes to consult one another. At the end of that time he returned and asked their decision. They replied that they were agreed not to resume work until Dilley was reinstated. He thereupon said: "Very well, I will reinstate Dilley, but under protest." He further stated that the men refused to return to work until they had orders from their delegate meeting, as there was a lock-out at the Fulham Gasworks. The whole five hundred

then left the works. It was admitted in cross-examination that the six defendants were only part of the whole five hundred, three of them being "sent for" by Mr. Trewby, who regarded them "as taking a leading part and influencing the others." This, however, was not proven, even if such were the case. The men alleged that Mr. Trewby insulted the general secretary of the union when he called upon the superintendent; but this Mr. Trewby denied. The men said that insulting their general secretary was insulting the two thousand men in the union. The men desired not only that Dilley should be reinstated, but also two men at Fulham.

7. *Evidence of Foremen.*—The foreman of the day gang corroborated generally the evidence of Mr. Trewby as to what took place, and as to Mr. Trewby calling certain names—being four of the defendants—to question them. He further declared that "no bad language or threats were used." Another foreman spoke as to the agreements—the men, he said, had an opportunity of reading the agreements, but they were not read over, nor were they posted up at the works. The six defendants were committed for conspiracy, each pleading "not guilty."

8. *Defence of the Men.*—On December 14th, Mr. Webster, secretary of the Gas-stokers' Union, called upon me and Mr. Broadhurst to see if anything could be done towards defending the men; after consultation with Mr. George Potter, a meeting of leading unionists was called for the 16th, which was only the day before that fixed for their trial at the Old Bailey. At that meeting, in addition to those named above, Messrs. William Allan, Robert Applegarth, Daniel Guile, Lloyd Jones, H. Crompton, and W. Mackenzie (barristers) and others were present. A Defence Committee was then formed, and they elected Messrs. George Potter, chairman, Daniel Guile, treasurer, and H. Broadhurst, secretary; Messrs. Shaen, Roscoe, and Massey were appointed solicitors. The latter were instructed to prepare a defence for the men, secure counsel, and try to get the trial postponed.

As to the latter, the most that could be obtained was postponement for one day—to December 18, 1872. Messrs. Douglas Straight, Q.C., M.P., and Montague Williams defended the men, but the time was so short that the ink was barely dry upon their briefs before they had to appear in court. It was only on the 14th that the summonses were heard in the police-court—seven days before the trial, only six before the day first fixed.

9. *The Indictment.*—The indictment repeated the charges in the summons, amplified and varied in many ways. But it was no longer the Gas Light and Coke Company as sole prosecutor ; all the other gas companies in London, six large companies being named, “and divers other companies respectively.” In the ten “counts” of the indictment everything that clever lawyers could devise to ensure a conviction was put into it. To a non-legal mind, reading such documents as the summons issued by the police magistrate at the Woolwich police-court, and the indictment preferred against those men at the Old Bailey, the question arises whether the object sought was to ensure justice. A suspicion was manifest that vindictiveness, or some other equally base motive, desired punishment, whether legitimately deserved or not.

10. *Nature of the Offence.*—In the summons there is no mention of the six other gas companies enumerated, “and divers other companies.” The offence was committed at Beckton, the superintendent being the prosecutor on behalf of the company. The men were summoned in the first place for breach of contract, the punishment for which was a term of imprisonment “not exceeding three months.” My contention all the way through was that for conspiring to commit and committing the offence no longer term of imprisonment could be lawfully inflicted. The extreme penalty of the law for wilful murder—the gravest of all crimes—is death ; for conspiring to murder, and doing the deed—what? The death sentence, none other. Justice demands the maximum penalty in some cases of crime ; in other cases

mitigation is allowed ; to impose a greater penalty than the maximum is a violation of the principle of justice.

11. *The Trial and Evidence.*—The trial took place at the Old Bailey on December 18, 1872, before Mr. Justice Brett. In the brief for the defence it was alleged that three of the prisoners were not present at the interview between Mr. Trewby and the men until sent personally for by him. In the copy of deposition put before the court there is no mention of any gas company except the Gas Light and Coke Company at Beckton, where the offence, as alleged, was committed. The evidence given at the trial showed that the whole of the five hundred men employed acted in concert, the result of combination. Neither the prosecution, nor the foremen called as witnesses, complained of bad language or threats ; but three or four of the men, members of the union, stated or implied that there was coercion. Their evidence was the most damning of all, and these very men had been summoned for breach of contract. But I am not concerned with this aspect of the case. If intimidation was resorted to the criminal law provided a remedy ; if breach of contract was committed, there was the Master and Servant Act, 1867, to punish.

12. *Verdict and Sentence.*—The case was argued at great length by counsel on both sides and by the judge as to the validity of the several counts. Some were disposed of. The jury found the prisoners guilty of one form of conspiracy, as indicated by the judge, but recommended them to mercy. The judge sentenced them to be kept in prison for twelve calendar months. In order to justify such an outrageous sentence the judge based his decision upon the Common Law as to conspiracy.

13. *Legal Opinion of Verdict and Sentence.*—On December 20th the secretary of the Defence Committee received a letter from the solicitors ; a meeting of the Committee was thereupon convened for the following day, when the letter was read. It stated that having only been instructed after the sessions had commenced, and true bills had been found against the prisoners, they (the solicitors) had great

difficulty in obtaining an interview with the prisoners, and were only able to do so by applying to the judge for an order for that purpose. A postponement of the trial until the next sessions was also applied for, but "positively refused" by Mr. Justice Brett. "It was only with great difficulty that counsel obtained a delay of a single day to enable us to defend them." The letter continued: "The judge summed up very strongly against them (the prisoners), and put the two following questions to the jury":

"1st. Was there an agreement or combination to force Mr. Trewby and the gas company to conduct the business of the company contrary to their own will, by any improper threat or improper molestation? If so, that is an offence at Common Law, which is not abrogated by the Trade Union Act. If there were any annoyance or unjustifiable interference, that would be an improper molestation."

"2nd. Was there an agreement or combination to prevent the company carrying on their business according to their own will, by means of a simultaneous refusal of the men to carry out their contract? If the jury answered the first proposition in the affirmative, the prisoners would be guilty upon the first and second counts of the indictment. If the second proposition was answered in the affirmative they would be guilty upon the third count.

"The jury answered the second proposition only in the affirmative, and the prisoners were therefore convicted upon the third count, which charged the prisoners with conspiring to break their contracts with the company, by leaving the company's service without giving the notice required by the contracts they had entered into."

14. *Legal Effect of the Verdict.*—The letter ends thus: "If the jury had answered the first proposition of the judge in the affirmative, it would have been very desirable to have got a point of law reserved, if possible, in order to test the soundness of the law as laid down by Mr. Justice Brett in that proposition, because it is so wide that if it were held to be good law, it would be very difficult for any body of men to combine together to obtain terms from their employers which the employers might not be ready to grant of their own free will, without exposing themselves to the risk of a criminal prosecution for conspiracy. As the jury, however, only replied in the affirmative to the second proposition, and so convicted

the prisoners upon the third count of the indictment, there is no opportunity to carry the case further, because there can be no doubt that under the existing laws it is a statutable offence to break a contract of service, and, therefore, a Common Law misdemeanour to conspire to commit the offence."

15. *Decisions of and action by the Defence Committee.*—Upon the reading of the solicitors' letter the Committee at once decided to take action. They first elected a sub-committee to issue an appeal for funds to pay the costs of the trial and support the men's families while they were in prison. It was next resolved to ask "the Home Secretary to receive a deputation on the subject, urging a remission of the sentence passed on the men." At that meeting I warmly contested the validity of the severe sentence passed by Mr. Justice Brett, contending that conspiring to commit a crime could not lawfully carry a heavier sentence than the committal of the crime, supposing that the Statute Law had fixed a maximum punishment. In this case the men had conspired to break a contract, or contracts ; breaches of contract had followed ; of that offence the men were found guilty ; the maximum penalty for breach of contracts of service was "a term not exceeding three months" ; therefore, said I, the sentence of twelve months will not hold good. The Committee thereupon requested me to prepare a memorial, to be presented to Mr. Bruce by the deputation, if he consented to receive it. It was then agreed to summon a full committee for December 28th.

16. *Correspondence with Mr. Bruce.*—A letter was sent to the Home Secretary asking him to receive a deputation on December 23rd ; on the 27th a reply was sent by Mr. R. S. Mitford, acknowledging its receipt, adding : "Mr. Bruce desires me to say, before giving an answer to your request, he would be glad to be informed of the specified points which the deputation wishes to lay before him at the proposed interview." At the Committee meeting on the following day, December 28th, the following points were ordered to be put to the Home Secretary : "1st. Is

Mr. Justice Brett's summing up, as represented in the *Times* newspaper report, a correct exposition of the Common Law of conspiracy? 2nd. What was the intention of the Government in inserting the clauses and provisions respecting conspiracy in the Trade Union Act and the Criminal Law Amendment Act?" The drafted circular appealing for funds was read and adopted, being signed by William Allan, George Howell, Robert Applegarth, George Potter, Daniel Guile, Henry Broadhurst, and twelve other labour leaders; also by Messrs. Thomas Hughes, M.P., Frederic Harrison, Henry Crompton, William Cobbett, William Mackenzie (barristers); Professor Beesly, Captain (afterwards Admiral) Maxse, Rev. J. M. Murphy, and others. In the circular issued the Committee called particular attention to the following remarks of Mr. Justice Brett in passing sentence: "The time had come when a serious punishment, and not a nominal or light one, must be inflicted—a punishment that would teach men in your position that though, without committing any offence, they may be members of a trade union, or might agree to go into an employment or leave it without committing any offence, yet they must take care when they agree together that they shall not do it by illegal means. If they do that they are guilty of a conspiracy, and if they mislead others they are guilty of a wicked conspiracy." Singularly enough the third count did not charge these men with breaking their contracts at all, only with conspiring to do so—was conspiring to do so a greater offence than the act itself?

17. *Mr. Bruce's Attitude.*—The committee met again on January 7, 1873. A letter from the Home Office, signed A. F. O. Liddell, dated January 4th, was read, in which he said that Mr. Bruce invariably declined "to receive deputations for the purpose of inducing him to alter sentences passed in courts of law." But he suggested that if a memorial was sent to him, "setting forth the grounds for mitigating the sentence on the gas stokers, it would receive his (Mr. Bruce's) most careful attention." Mr. Bruce also declined to receive a deputation on the



subjects submitted to him in two questions put to him by the Committee. The letter added : "The Secretary of State is not a court of appeal from the decisions of her Majesty's judges on questions of law, and has no authority to overrule them." It went on to say that "the court for the Consideration of Crown Cases Reserved is the proper tribunal to decide such questions." The letter added that the counsel engaged should have asked for a case, and threw the onus of not doing so upon the defence. But, as we have seen, counsel was debarred by reason of the verdict being on the third count. This ought to have been known at the Home Office. Mr. Bruce peremptorily refused to receive a deputation on the subject, or upon the questions submitted to him, or to discuss the matter in any way. He would only answer in Parliament as to the Government's intention of retaining or repealing the Criminal Law Amendment Act. Mr. Bruce could be curt and brusque when he liked ; on this occasion he emphasised these qualities.

18. *Memorial to Home Secretary*.—"After some very strong expressions of feeling on the Home Secretary's letter"—I quote from the report—the memorial as prepared was read and agreed to, the Secretary being instructed to forward it to the Home Office—the report adds : "And here let it be stated that the memorial was prepared by Mr. George Howell, and, although the legal gentlemen on the Committee held views differing in some respects from those therein expressed, they offered no opposition to its being sent." I may perhaps be allowed to add that six barristers were present at the meeting ; they all demurred, more or less, to that part of the memorial which called in question the legality of the sentence. I regarded it as a strong point, and urged its adoption. After considerable discussion, during which the opinion veered round to my view, to some extent, Mr. Thomas Hughes said : "Well, let us send it, it can do no harm ;" thereupon it was adopted without dissent and sent as drafted.

19. *Contention in the Memorial*.—The memorial was a

lengthy one, covering the whole case, and quoting sections of Acts of Parliament which applied, or seemed to apply. It contended that the law as laid down by the judge was not sound ; that the specific charges against the men were not proven ; and, if wrong in these contentions, that the sentence was excessive and unauthorised by law. It stated that the men were prosecuted by one party for one offence, and that they were punished for another. Special stress was laid upon the fact that for breach of contract, even when "aggravated by misconduct," the extreme penalty was limited to three months' imprisonment.

20. *The Home Office : Remission of Sentence.*—The Defence Committee waited anxiously for an answer from Mr. Bruce to the memorial sent at his own request. Three weeks elapsed—still no reply. The Committee was thereupon convened ; it met on February 1, 1873, when a surprise awaited it. The report says : "By a careful perusal of the memorial it will be seen that it dealt with the entire subject. Notwithstanding that the memorial was sent at the invitation of the Home Secretary, the Committee did not receive an answer to it. At the next meeting of the Committee, held on February 1st, a telegram was received from Mr. Mundella, M.P., stating that Mr. Bruce, the Home Secretary, had, upon a memorial from the imprisoned gas stokers themselves, commuted the sentence of twelve months' imprisonment, passed upon the convicted gas stokers by Mr. Justice Brett, to imprisonment of four months, thus taking off eight months of their incarceration. The Committee knew nothing whatever of the memorial from the men to the Home Office ; but from inquiries made it appeared that the memorial sent from this Committee to the Home Office had so bothered them that they were forced to take action of some kind. They could not confirm the sentence passed by Mr. Justice Brett ; neither did they like to surrender to the views of our memorial. A third course was open to them, which they availed themselves of, viz., to call in the services of a friend who would arrange a memorial from the prisoners themselves."

21. *The Men's Memorial—how Arranged.*—I am able to supply the missing link. My lips were sealed at the time, because I was taken into confidence. But the facts ought to be known. The "friend" whose services were requisitioned by the Home Office was Mr. Thomas Hughes, M.P. He suggested that Messrs. Shaen, Roscoe, and Massey should be entrusted with the matter. I was waited upon to know whether I had any objection to a memorial from the men, and whether, if the sentence were commuted to four months' imprisonment, I would consent to allow the Committee's memorial to drop, in so far as action in the House of Commons was concerned. I was thus approached, not merely as the writer of the memorial, but as secretary to the Parliamentary Committee of the Trades' Congress. By degrees I learned the position of affairs. Legal opinion at the Home Office was somewhat divided upon the subject of the sentence. Then the memorial was remitted to the law offices of the Crown—the Attorney-General and Solicitor-General. Here again there was a slight divergence—one held one opinion, the other another. Mr. Justice Brett was consulted, and then a compromise was suggested which left the question of the legality of the sentence unquestioned, while its severity was reduced by two-thirds of the period of imprisonment. I was consulted as to the terms of the men's petition for mercy; the representative of Messrs. Shaen, Roscoe, and Massey had free access to the prisoners to obtain their signatures; the whole expense was borne by the Home Office, and the men were in due course released. The Committee's memorial was therefore successful beyond expectation, though it did not quite accomplish what the writer thereof desired.

22. *Decisions of Defence Committee as to Further Action.*—Whilst the Committee (I quote the report) appreciated the remission of the sentence so far as it went, they were greatly dissatisfied with the evasive manner in which it had been done; more especially as the Government had by so acting shirked the responsibility of giving an opinion on the law. The views and feelings of the Com-

mittee are best expressed by the following resolutions unanimously passed at the meeting held on February 1, 1873 :—

“1st. That the Home Secretary, in asking from the Committee a memorial on behalf of the imprisoned gas stokers, and in not having even acknowledged its receipt, or replied to its prayer, has committed an act of discourtesy to the Committee, and that such conduct is not likely to meet the approval of the masses of the working people.

“2nd. That this Committee is strongly of opinion that the remission of sentence, reducing the imprisonment of the gas stokers to four months, is wholly inadequate to the justice of the case, and, therefore, the Committee will continue to urge the immediate liberation of the men so unjustly imprisoned.

“3rd. That the Committee, in addition to its present duties, resolves itself into a committee of agitation for procuring the repeal of the penal laws against the working classes, and that a fund be raised for that purpose.”

In accordance with the last resolution some great meetings were held in London, but the further work in this connection devolved upon the Parliamentary Committee, the proceedings of which will be resumed later on.

23. *Funds and Disbursements.*—The original object of the fund started by the Committee was the defence of the men tried for conspiracy ; then the relief of the families of the five men sentenced to twelve months' imprisonment. Subsequently the Committee extended such relief to the families of the men who had been sentenced to six weeks and one to three months for breach of contract. The distribution of the funds was specially confided to Mr. Henry Broadhurst, the secretary, and Mr. Daniel Guile, the treasurer, subject always to the decisions of the Committee. On one occasion an outsider, that is, one not on the Committee, offered to become the almoner—to “relieve Mr. Broadhurst of some of the work,” he said. Mr. Broadhurst consulted me on the matter, when I said, “We hold you responsible for the disbursement of the funds, and if you delegate the work to another it will be at your peril.” The man who thus was refused nearly ten years afterwards remembered the refusal, and sought to besmirch Mr. Broadhurst's character and mine by an accusation of a misuse of the funds. I could not have

misused them if I would, for I never had the spending of any portion. I, with Mr. William Allan, audited the accounts, which were duly vouched, the whole being admirably kept by the treasurer, Mr. Daniel Guile. Every penny up to date was accounted for, and the Committee unanimously passed the balance sheet and report, copies of which were sent to the newspapers, to all subscribers, to every member of the Committee, and to the officers of the chief trade unions at that date.

24. *Object of the Fund.*—The secretary reported to the Committee every case in which relief was granted, the amount in each case, and the circumstances of the recipients. This refers to those who were prosecuted, convicted, and imprisoned for breach of contract in the batch summoned and sentenced at the Woolwich police-court. Some of these men, it would appear from what afterwards transpired, regarded themselves as heroes, and as such entitled to more than the Committee sanctioned and voted. But we did not consider them heroes, only as victims, harshly punished under an unjust law. We condemned the gas-stokers' strike. No member defended it. What we denounced was the way in which the prosecution was conducted ; the issue of five hundred summonses to be used for the purpose of weeding out the men's leaders ; and the use of the Common Law of conspiracy to crush the movement for bettering the condition of the workers. The labour leaders saw in those prosecutions a menace and danger to trade unions, and the latter contributed money to avert that danger by the defence of the men charged with conspiracy ; the assistance given to the families after conviction was because of the cruel sentence, a vindictive sentence as we all regarded it, not for the offence, not because of any actual injury done to the complaining party, not for violence or threats, but because injury might have been caused to a third party—the public, in no way concerned in the prosecution, and not, as it happened, inconvenienced or affected by the dispute.

25. *Close of Subscription List.*—At a meeting of the Defence Committee held on February 20th, it was

decided to close the subscription list, and issue an address to the trades and subscribers. The address stated that the fund subscribed sufficed for the purpose for which it was designed, thus : "Every proper provision has been made for the men and their families, as well as considerable help rendered to those imprisoned by the magistrates. For this purpose nothing more is needed." It went on to say that "a properly audited balance sheet would be published in the *Beehive*, giving a detailed statement of the whole of the income and expenditure." This was in due course done. The address then referred to further action as the outcome of the prosecution, the nature of which will appear in another chapter.

26. *Released. Reception of the Men.*—The five imprisoned gas stokers were released from Maidstone Gaol, Tuesday, April 16, 1873, having then completed the commuted sentence of four months' imprisonment. The Maidstone Trades Council, and deputations from the London Trades Council, the Defence Committee, the Reformers' Union, the Democratic League, and the Patriotic Club, also from the Canterbury, Chatham, Dartford, and other Labour Councils in Kent, met at Sun Inn, High Street, Maidstone, at 8.30 a.m., and thence proceeded to the prison gates to welcome the five men on their release at nine o'clock. They were received by the vast concourse assembled with loud and prolonged cheers ; they were escorted to a carriage and followed by a large procession to the Sun Inn, where an excellent breakfast had been provided.

27. *The Defence Committee's Work Completed.*—The men were in good health, apparently none the worse for their incarceration. They stated that the governor of the gaol and his subordinates had treated them well during their incarceration. The men were in their best attire, for the Committee had sent their best clothes to the gaol in advance. Speeches were made at the breakfast. Mr. George Shipton addressed the vast crowd outside in the High Street ; a great meeting was held in the Corn Exchange in the evening ; and subsequently the men

were entertained by the trades in London. The men expressed their gratitude for what had been done in their behalf, as regards their defence, in the commutation of their sentence, the support of their families, and the splendid welcome accorded to them on their release. It was stated that the secretary of the Defence Committee had personally visited their homes every week during their incarceration. Two of the men, Thomas Dilley and George Ray, with their wives and families, were, at their own request, sent to New York, passage paid, by the Committee. The other three were assisted until they found employment. The story of the gas-stokers' strike, prosecution, trial, conviction, sentence, its commutation and their release, has been told at some length because of the importance of the event, the interest it excited, and the effects as regards the agitation for the repeal of the Criminal Law Amendment Act, the Master and Servant Acts, and for the reform of other laws affecting labour. The action taken and its results will be told subsequently.<sup>1</sup>

<sup>1</sup> An extended Authorised Report of all proceedings connected with the Gas Stokers' Case, the prosecution, memorial for the men's release, and an account of all money subscribed and expended, was published by the Committee in a pamphlet, copies of which were sent to all subscribers, and to the newspapers.

## CHAPTER XXVI

### AGRICULTURAL LABOURERS : UNIONS AND STRIKES

IT is desirable here to interpose chapters with respect to two movements very much to the front in the early seventies. To postpone the account would necessitate either an awkward break in the narrative respecting the agitation on the Labour Laws at a critical period, or its postponement until after legislation was effected in 1875. It is more fitting that I should deal with the subjects here, especially as regards the agricultural labourers, inasmuch as the unions then created took part in the agitation, then in full swing, for the repeal of the Criminal Law Amendment Act, the Master and Servant Acts, and other laws affecting labour. The "Plimsoll Movement" also was carried on at the same time, the then labour leaders taking an active part therein, trade unions contributing largely to the funds.

#### I.—*Formation of Agricultural Labourers' Unions.*

1. Mr. Joseph Arch's first appearance at a Trades Union Congress was in January, 1873, at Leeds, when he read a paper on the "Employment of Women and Children in Agriculture." Congress heartily endorsed the views therein set forth, and by resolution expressed "great pleasure at the formation of trade unions amongst the agricultural labourers." Mr. Arch also spoke at the great public meeting in the Mechanics' Hall on the repeal of laws adverse to labour.



2. *Condition of Labouring Population.*—It has been said that the first idea of a National Union of Agricultural Labourers originated with Canon Girdlestone at a meeting of the British Association held in Norwich in 1868. Certain it is he expressed the opinion that nothing short of combination could effect any real improvement in the deplorable condition of the English peasantry. But, as previously seen, the formation of labourers' trade unions dates back to at least 1833.<sup>1</sup> Even prior to that there were revolts of the peasants, but usually they ended in disaster. The difficulties in the way of organisation were great. Farm labourers were scattered, and to some extent isolated. They were not, as a rule, in close contact, except in very small groups. Cheap transit was unknown. The men were under the thumb of the farmer, the squire, and the parson; they were timid and suspicious one of another. And no wonder; for suspicion of each other was encouraged, not condemned, by their employers and those others in authority over them. Their means were so limited that they were ever on the brink of pauperism. Independence was almost impossible among them. To assert it meant dismissal or the loss of any village dole left by a "pious ancestor" or donor, and of temporary help rendered by the squire or local gentry. This was especially the case in the purely agricultural districts where the rural population had no factories or other works offering chances of employment to the bold innovator who, like Oliver Twist, dared to ask for more. Independence and self-reliance are grand qualities, but they are damped by hunger and threatened starvation.

3. *Origin of the Movement.*—The Duke of Marlborough, in a speech to his tenantry in Oxfordshire in the summer of 1872, said that the movement was "brought about by agitators and declaimers, who had, unhappily, too easily succeeded in disturbing the friendly feeling which used to unite the labourer and his employer in mutual feelings of generosity and confidence." Nice

<sup>1</sup> See Chap. VIII. pars. 7-9.

words—but where did the “generosity” come in, or even the “confidence”? The Duke was wrong in his facts. The movement actually began in the early part of 1872, at a time when “trade and commerce advanced by leaps and bounds”; when fortunes were amassed with unusual rapidity; when wages also advanced, especially in the coal, iron, and other industries, with greater speed than had ever been known before in the history of labour. The movement originated solely among a few agricultural labourers in this wise. Two or three farm labourers in a small village—Weston-under-Weatherley, three or four miles from Leamington—“agreed to send to a local newspaper a statement showing their small and inadequate earnings and the hardships and privations which they were compelled to endure. The letter, fortunately, was published. They suggested that an able-bodied farm labourer ought to be paid 2s. 6d. per day. Oh! unheard of audacity! The labourers in the village of Charlecote and others read the letter, and the idea of 2s. 6d. per day fascinated the Charlecote labourers. They talked the matter over, and one bolder than the rest proposed that they should form a union, like those in the trades. He offered there and then to sign a paper and pay a subscription if his companions would agree to do the same. Eleven men were soon found courageous enough to sign the paper, and pay a small sum towards forming a union or club.

4. *Joseph Arch as Adviser and Helper*.—Of course the news of what had been done and was being done soon spread from village to village. Unionism was in the air. But the men were ignorant about trade unions; they knew nothing of organisation or management. In talking the matter over, they thought of Joseph Arch, the Barford labourer. He was well known to them as a local preacher. They wanted to hold a public meeting, and they sent two of their number as a deputation to ask his assistance. This was on February 12, 1872. Mrs. Arch first saw the deputation, and when they told her the nature of their mission, she said that “she thought they

had not sufficient spirit to form a union." They replied that they had, and meant to go on with it. Joseph was then called. He heard their story ; he entered into their plans, and promised to attend and speak at the Wellesbourne meeting to be held on the 14th, two days after the interview. Joseph Arch was the man for the occasion. He had no knowledge of organisation or of trade union movements. His name was at that time unknown in the labour world. But he was a born orator. His practice as a local preacher had given him confidence, self-reliance, freedom of gesture, and a flow of language. He was honest, fearless, dogged, persistent, and not afraid of work. He knew the conditions of agricultural life, the privations and miseries of the labourer's lot, and limited ambitions.

5. *The Wellesbourne Meeting.*—The meeting was held under difficulties, in drenching rain. Arch had walked in slush and mud along the roads from Barford to Wellesbourne. The attendance was such that the club-room of the inn was too small to hold the audience. The meeting adjourned to the open air, when, lo ! the rural police were on the alert to protest against the meeting on the highway. But on the advice of Arch the roadway was kept clear. Then the gas-lamps were turned out, probably in the hope of creating disorder. Lanterns were procured and hung upon trees and long sticks, and so the meeting continued, ending satisfactorily. A week later another meeting was held, Arch again being chief speaker. Then followed other meetings in various villages, attended by Arch.

6. *Labourers' Strike.*—In March the Wellesbourne labourers sent in a demand for 2s. 8d. per day ; hours to be 6 a.m. till 5 p.m., to end work on Saturdays at 3 p.m. ; also for 4d. per hour for overtime. The farmers took no notice of the joint letter of the labourers, and on March 11th about two hundred men went on strike. Some farmers conceded the terms, others refused, and evicted the labourers from their cottages. On Good Friday, March 29, 1872, at a large meeting held at Leamington,

under the presidency of the Hon. Auberon Herbert, M.P., the several local unions by that time established were united in one body, called the Warwickshire Agricultural Labourers' Union. The movement spread so rapidly that on April 27, 1872, Mr. Arch, in a letter, proposed the formation of the "National Union of Agricultural Labourers."

7. *Labourers' National Congress.*—On May 29, 1872, a national conference of delegates of Agricultural Labourers' Unions was held at Leamington, under the presidency of Mr. George Dixon, M.P.; eighty delegates attended, representing twenty-six English counties. At that conference the National Agricultural Labourers' Union was constituted. Joseph Arch was elected president, Henry Taylor secretary, and J. E. M. Vincent treasurer. The selection of officers was a wise one. Joseph Arch knew little or nothing about organisation or trade unionism. His power and influence was on the platform—that was his rightful place and work. Henry Taylor understood trade unionism; he had experience as a branch secretary of the Amalgamated Society of Carpenters and Joiners, was trained under Robert Applegarth, general secretary. Mr. Vincent did good work as treasurer and as the proprietor and editor of the *Labourers' Union Chronicle*.

8. *Constitution of the Union.*—The organisation generally was on trade union lines. There was to be an annual meeting of delegates, one from each district union or branch. At that meeting an executive committee of thirteen members had to be elected—chairman and twelve others. All these were to be agricultural labourers. Besides those there was to be a consultative committee, composed of friends of the union, who were authorised to attend executive meetings, but not to vote. The declared objects of the union were: (1) To improve the general condition of agricultural labourers; (2) to promote the formation of branch and district unions; (3) to promote co-operation between the unions already established.

9. *Danger threatened, but averted.*—The formation of

the Agricultural Labourers' Union was greatly encouraged and promoted by Birmingham politicians. It was at a time when that centre of activity aspired to be the leader in Radical politics. The movement among the labourers furnished an opportunity of winning them over to the Liberal Party, and it would seem that there was a project to annex them. A conference was held in London, at Willis's Rooms, King Street, St. James's, to give the new union a kind of national send-off. Professor Fawcett, M.P., Professor Bonomy Price, of Oxford, Walter Morrison, M.P., and a host of others assembled on the occasion—the place was literally thronged. I had been appointed one of the honorary secretaries, but I found that one of the resolutions was of such a character that I could not support it, and I refused to go on the platform. It was modified in consequence, and in its modified form was carried. The object appeared to me to be not to support and promote a trade union, but to assist in establishing an association partly political and partly industrial, which should be partially supported by outside sympathisers, like the old village clubs. I knew the danger of this, and I knew also that trade unions so constituted could not thrive. The danger was averted, for Joseph Arch was not weak enough to be a tool; his dogged character was too strong to be adversely influenced, and Henry Taylor was too good a unionist to allow the dole system to subvert the principles of unionism. Thus the whole pressure of the labour leaders was used to preserve unionism in the new union.

10. *Progress of Unionism among Labourers.*—It is not necessary that I should trace the growth of unionism amongst the agricultural labourers or dwell upon its many vicissitudes. The progress of the movement was phenomenal. By the end of May, 1873, the National Union included 26 district unions, containing 982 branches, with an aggregate of 70,000 members. The income for the first year was £7,024 15s. 10d., of which £1,129 1s. 7d. had been given as donations by persons sympathising with the movement. As the expenditure

amounted to £6,961 4s. 9d., it is clear that there would have been a serious deficit except for outside help. This was all very well at the first, but a trade union must be self-supporting or it will die. The progress continued until the union had 1,000 branches, with an aggregate of 100,000 members by the close of 1873. *The Labourers' Chronicle* had a circulation of over 30,000 copies per week. Such a development had hitherto been unknown in the labour world. Besides the National Union there sprung up other organisations, such as the Kent and Sussex Labourers' Union, the Lincolnshire Labourers' Union, each with its weekly newspaper, general office, and sets of officials. Strikes and lock-outs took place, wages were advanced, concessions were made as regards hours of labour and conditions of employment. George Mitchell, "One from the Plough," gave time and money to the movement, and eventually ruined himself with losses in business and expenditure upon his annual excursions and demonstrations at Ham Hill, Somerset, and in various other ways connected with the movement.

II. *Fruits of the Agricultural Labourers' Unions.*—The agricultural labourers' movement was partly industrial, partly political. From the trade union point of view the labourers' unions advanced wages, reduced the hours of labour, and otherwise bettered the condition of the labourer in various ways, always on the lines of such organisations. Politically it greatly aided the movement for extending the franchise to labourers in the counties, which was conceded in 1884-5. It paved the way for County Councils, District Councils, and Parish Councils, now in one form or another universal. And it gave rise to that item in the Birmingham Programme—"Three acres and a cow," alas! not yet realised. It greatly helped to create a public opinion favourable to the extension of the allotment system and other legislative measures of reform. Whatever advantages agricultural labourers enjoy to-day are due for the most part to the movement instituted in 1872. The labourers had many friends, even a few clerical ones. The bishop's hint of a ducking in a horse-

pond helped, rather than hindered, Joseph Arch and his associates in their memorable struggle.

12. *Decay of Agricultural Labourers' Unions.*—At the close of the nineteenth century the movement had collapsed. In the year 1900 only two unions are recorded in Board of Trade (Labour Department) Report on Trade Unions as then existing, one of which, with two branches, had only 30 members; the other was started in 1890 and had 122 members. All the others started in 1872–3 had been dissolved in or before 1895. Joseph Arch, the apostle of the movement, still lives in his quiet Barford village home, and doubtless often thinks of the vanity of human wishes.

13. *Permanent Advantages secured by the Unions.*—It is a matter of personal regret that the agricultural labourers' unions have practically collapsed. Unbounded enthusiasm expended itself after a time. Trade unionism requires something more than a spell of overflowing energy, which is apt to flag. To be permanent it needs dogged persistence, deep convictions, and faith in the principles upon which it is founded. The more isolated the men, the more need of those qualities. Unions thrive most where the members are in constant close contact; mutual sympathy and support keep them alive and active. Self-sacrifice is less needed in such cases than in the rural districts where the members are wide apart. But if the agricultural labourers' unions are no longer powerful, the advantages secured cannot be wholly taken away. The labourers have votes. They are represented upon local bodies. They now know something of their rights as citizens as well as "their duties to those in authority over them." They secured a direct representative in the House of Commons in the person of Joseph Arch, returned in 1885, and retired only in 1900—"my Parliamentary representative," His Majesty, when Prince of Wales, is reported to have said. And His Majesty paid him the compliment of visiting him in his village home after he had ceased to be a member. The position of the agricultural labourer has been advanced socially as well as materially. He is a serf no longer. He can look parson

and squire in the face and say, "I also am a man." His wages may still be low, but they will not again fall to the miserable pittance of thirty or forty years ago. It is in his own power to secure other advantages so long denied to him by legislation and social conditions.



## CHAPTER XXVII

### II. "OUR SEAMEN"—THE STORY OF THE PLIMSOLL MOVEMENT

THE late Mr. Samuel Plimsoll has told the world how he and his good wife resolved to devote themselves and their fortune to the cause of "Our Seamen," and nobly they carried out their mutual resolve.<sup>1</sup> Mr. Plimsoll did not blindly, or even hastily, enter upon his crusade. He had been studying the subject for a long time, making inquiries, amassing evidence, arranging and sifting his facts, systematising his information, and preparing for his great battle in life—the object being the safety and comfort of the brave men in our mercantile marine. He sought admission into Parliament as the sailors' friend, and Derby elected him mainly on that ground, he being at the same time a sound Liberal, in general accord with the constituency. He lost no time on admission to the House of Commons, for he introduced a Bill for the purpose of securing safety, and failing to carry it he strove to obtain a Royal Commission to inquire into the subject. In this also he failed—for a time; but it was subsequently appointed.

#### I. *Mr. Plimsoll invokes the aid of Working Men.*—In

<sup>1</sup> In later years Mr. Plimsoll married a second time, and was fortunate enough to marry a lady as devoted to the cause he espoused as the first. Both were noble-minded, unselfish women, worthy of the man and of the great and humane object for which he spent his life and wealth.

March, 1871, Mr. Plimsoll invited the delegates present at the Third Annual Trades Union Congress to meet him at dinner. The invitation was unanimously accepted, and nearly all the delegates attended. At that dinner Mr. Plimsoll explained his object, which was universally approved. He bespoke their sympathy for "Poor Jack," which was heartily accorded. He suggested that he might want their help—it was promised.

2. *Mr. Plimsoll's Book*—"Our Seamen."—Mr. Plimsoll's labours during the remainder of 1871 and in 1872 was quiet rather than obtrusive. He continued his efforts in Parliament to obtain legislation or the promise of inquiry by a Royal Commission. But these efforts were insufficient for the activity of his brain. I often saw him during that time, and knew that he was preparing a book to be called "Our Seamen—An Appeal." In January, 1873, the first copies issued were distributed at the Trades Congress in Leeds, Mr. Plimsoll, M.P., again inviting the delegates to dinner. He was now able to particularise more precisely his objects, aims, and the methods he intended to adopt for the protection of British sailors. The books presented to the delegates, and Mr. Plimsoll's speech produced a powerful impression. Mr. Alexander Macdonald, the present writer, and others spoke, and Mr. Plimsoll was assured not only of sympathy, but of financial support.

3. *Character of the Book*.—Mr. Plimsoll's book, "Our Seamen," was unique. It was just the kind of book to create a sensation. His appeal was direct, fortified by facts, giving their source with authentications. Charts and illustrations abounded; extracts from newspapers were reproduced, underscored, and with notes. Letters in facsimile were given, and then, bolder than most writers, he intentionally fixed the blame for disasters upon certain shipowners and shipbuilders whom he deemed to be responsible for them, some of whom were his colleagues in Parliament on both sides of the House. Libels abounded, but Mr. Plimsoll heeded not. He believed in his facts, and was prepared to abide

the consequences. Very soon writs were issued against him, but even these failed to intimidate him.

4. *The Man and the Agitator*.—Mr. Plimsoll evoked opposition in some quarters because of—(1) What was called his sensationalism ; (2) his dogged pertinacity ; and (3) his personal attacks upon those whom he deemed conspicuous offenders. Few men knew him as I knew him. For years I was in very close contact with him, especially so during the whole of his agitation, sometimes by night as well as day. In his own home, in the Lobby and smoking-room of the House of Commons ; in his oft-times rapid smoking strolls along the platforms of Victoria Station, the bustle and noise of which sometimes soothed him when St. James's or Hyde Park failed to do so ; and on board the steamers that plied between London and Leith and Glasgow ; to the Tyne and the Humber and other ports, I was his frequent companion. We often paced the decks in the early morn before the other passengers were out of their berths. I thus saw him in all his moods, and can therefore speak with some authority.

5. *Sensationalism*.—With respect to (1) his alleged "sensationalism," it was not acting or playing a part, as some men of the world thought or suspected. He was the most sensitively emotional man I ever knew, and I have come across a few. The horrors of a seafaring life as he found it to be in numerous instances appalled him. He could not refer to some of the incidents of that life and its dangers without a sob in his throat and tears in his eyes. In the House of Commons, on the platform, at deputations to ministers, emotion overcame him. But he was the same in private, where such manifestations were least to be expected, and where, if assuming the actor's part, it would have been avoided as out of place. It was natural to his character. He was intensely in earnest, and he could hardly understand any one not feeling as he did on the subject ; as he told the sad story, and pointed the moral in fervid eloquence, not as an orator, but as a man of feeling, his emotion was visible.

6. *A Pathetic Incident.*—On one occasion, in the earlier days of the movement, I was with him at 111, Victoria Street; he was lying on his couch profoundly disturbed, his head rolling on the cushion. He read me a letter, and I suppose expected me to make comments or express feeling. I could do neither. Suspecting, possibly, lack of interest on my part, he looked up suddenly and impatiently, intent upon saying something; but he saw from my face and tears in my eyes that I was as profoundly moved as himself. Our mutual sympathy was sealed; his confidence in me never after wavered, if for a moment it had done so unintentionally. The letter was from a widow. The ship her husband sailed in had foundered with all hands. He had expected it, and his wife tried to dissuade him from going again to sea in what he called “that coffin-ship.” “What am I to do?” he exclaimed. “If I refuse, there is no other berth.” He tried to console her by saying that after all she had weathered many storms, and perhaps she would again return to port safe and sound. But he evidently thought not, for he sent his best clothes, watch, and other belongings home on the night he sailed. It was his farewell. His wife knew it. She, with her two young children, never saw him again. The widow told this pathetically and simply in her letter, and prayed Mr. Plimsoll “to go on with his holy work.”

7. *Difficulties. Vast Interests at Stake.*—(2) As regards his “dogged pertinacity”—that was the one quality needed in such a crusade. He had put his hand to the plough, and would not look back. It needed pluck, endurance, and perseverance to attack the “shipping world” as it then was. He did not attack all ship-owners and all shipbuilders; he knew that there were many good ones, some of whom were personal friends, whose help was given, later on, in the movement. It is, however, well known that when a vast interest is attacked, there is a tendency to unite in order to defend. It was so in that instance. He had to fight a host, in a sense, all alone. The wealth of many was pitted against the

means of a single man. Up to 1873 he had no help, except such as the sympathy of workmen expressed and the personal advice and help of the present writer. Yet he faced all the odds in his work, "Our Seamen—An Appeal," knowing full well the storm which would beat pitilessly upon his devoted head. He had also to fight the Marine Department of the Board of Trade. He regarded the then chief official of that Department as an obstructionist, instead of a helper. Antagonism was the result. From what I knew subsequently of the official in question, it was not so much a want of will as lack of authority. He invited me to give him information which he could act upon, and I often did. He was afraid of Plimsoll's impetuosity and emotionalism. It was shown that the Board of Trade had limited authority; but it had also the usual timidity of a Government department in dealing with vast vested interests more or less committed to its care.

8. *Personal Attacks.*—(3) Mr. Plimsoll's attacks upon individuals were, he thought, justified by the facts in his possession. It was not from personal rancour against any of these men—some his colleagues, both on the Liberal and Tory benches, in the House of Commons. He was actuated by high motives, even in his worst attacks. It was on public grounds that he levelled his charges against persons. He wanted protection for the almost helpless seamen—men who had then no trade union to battle for them, no organised force to deal with acts of oppression, of cruelty, of constant danger, even unto death. It would be wrong in me if I here entered into any of those personal charges of nearly thirty years ago, either to inculcate or exculpate. Accuser and accused, for the most part, are all gone. I am content to defend Mr. Plimsoll's memory from any low or base design to injure, in reputation or otherwise, those deemed by him to be offenders in respect of the charges made in "Our Seamen."

9. *Mr. Plimsoll's Charges.*—What were the charges made? Generally, that ships were sent to sea in an

unseaworthy condition; that they were undermanned, overloaded, badly loaded, and over-insured. They are thus enumerated in his book: (1) Undermanning; (2) bad stowage; (3) deck-loading; (4) deficient engine power; (5) over-insurance; (6) defective construction; (7) improper lengthening; (8) overloading; and (9) want of repair. Under No. 2, bad stowage, came grain cargoes, the shifting nature of which caused so many disasters. Every charge made as above was abundantly proven before the Royal Commission which was appointed to inquire into Mr. Plimsoll's allegations.

10. *The Plimsoll and Seamen's Fund Committee.*—After the distribution of "Our Seamen" at the Leeds Congress in January, 1873, Mr. Plimsoll asked me to organise a workmen's committee to help him in the creation of a sufficiently strong public opinion to ensure the passing of his Bill, or secure the appointment of a Royal Commission to inquire into the subject. I consented. But I suggested something broader than a mere sectional committee of workers, as represented by the Trades Congress, for the question was of national importance. My consent being given, Mr. Plimsoll left the rest to me. At that time he thought that the whole expenses would have to be borne by himself; he did not anticipate any large response to his "Appeal," except in the shape of sympathy and in the irresistible demand for better conditions for poor Jack.

11. *Formation of the Committee.*—I consulted a number of persons in the ranks of labour and otherwise as to the character and extent of the committee, and as to its objects when constituted. Among others I consulted Mr. Thomas Hughes, M.P., and he suggested a general committee of all sections of the community, and that Lord Shaftesbury should be asked to become the chairman. Among others I was requested to see Lord Elcho (now Lord Wemyss), and I had an interview with him at St. James's Place, when I laid before him a list of names to be asked to join the Committee. At first he objected to George Odger's name, on account of

his then recent declarations in favour of republicanism. But I pointed out that the mere absence of Odger's name would evoke inquiries, and the explanations would create discontent. Lord Elcho agreed, and the list generally was approved, with the addition of several names suggested by the noble Lord.

12. *Constitution of Committee.*—I called upon Lord Shaftesbury to ask him to join the Committee, and to become chairman thereof. His lordship promised to attend and to become chairman, if the Committee so desired. The persons so suggested and selected were convened, when Lord Shaftesbury was elected chairman, Mr. Thomas Hughes, vice-chairman; Sir W. R. Farquhar, Bart., treasurer; and myself, secretary. At first it was proposed to call it the "Loss of Life at Sea Committee," but Lord Shaftesbury suggested that it would be simpler to call it the "Plimsoll Committee," for its object really was to help him in his self-imposed task. It was understood that the Committee did not take upon itself any responsibility for Mr. Plimsoll's words and acts, or for any costs, legal or otherwise, of the agitation, except to the extent of the funds which might be subscribed for the objects set forth. The Committee agreed to an appeal for funds, and to the holding of a great meeting in Exeter Hall in support of the Plimsoll movement. That meeting was held on March 22, 1873. It was overflowing as regards numbers, unanimous and enthusiastic in tone. "It touched a chord of infinite fibre, which vibrated throughout the land." Funds poured in; committees were formed in Manchester and Sheffield forthwith, and in a number of other towns and ports subsequently. The movement spread, enthusiasm was unbounded; vast meetings were called together to champion the cause of the sailor. A wave of popular feeling swept over the country such as had never before been evoked in the cause of any section of the working class. The Press, the theatre, the music-hall, the pulpit, the platform were all enlisted in the cause of "Our Seamen."

13. *Work of the Plimsoll Committee.*—The Committee interfered very little in the active work connected with the agitation. It sanctioned the expenditure and supervised it, and also discussed and generally sanctioned the policy to be pursued. As secretary I had to consult Mr. Plimsoll and report fully at each meeting of the Committee what had been done, was doing, and what was proposed to be done before the date of the next meeting. One of the first things done was to ask Mr. Plimsoll to what extent he had pledged himself, or stood pledged by implication, in the matter of expenditure. We found that he had practically become liable for a million copies of "Our Seamen," and of a vast edition of "Ship Ahoy!" After some discussion, it being pointed out to Mr. Plimsoll that the distribution alone of such an enormous mass of printed books, would cost a very large amount, I was instructed to negotiate with Messrs Virtue & Co. and with the author of "Ship Ahoy!" and report to the Committee. They met me very fairly, after some show of resistance on the ground of contract, express or implied, and arrangements were made to reduce the amount very considerably in both cases. A cheap edition of "Our Seamen" was one result of the negotiation. As it was the cost of distribution was very large, being mostly by single copies, or in small parcels to societies or other committees. Sales did not pass through the hands of the Committee, but through the respective publishers, the amounts realised thereby being applied in part payment of the bill due and delivered in that connection.

14. *Public Meetings.*—From the date of the Exeter Hall meeting on March 22, 1873, there was a perfect downpour of invitations to public meetings from all parts of the country—from every port and great centre of industry especially. Mr. Plimsoll was of course wanted everywhere, and he went as often as he could, at great expense sometimes; but he could not go everywhere. He had his Parliamentary work to attend to, he had his business to supervise, and at times his health was scarcely equal to



the strain. The secretary to the Committee had to answer the call and be present to address meetings in all parts of Great Britain. He had therefore to arrange meetings in groups, several in some large, widely extended district. One such was in Scotland—Glasgow, Dumbarton, Greenock, &c., being taken in one week. Mr. Lloyd Jones was my companion and helper in that town. We also took Sunderland, Stockton, Newcastle-on-Tyne, Shields, and the Hartlepoons as another group. Hull, York, Whitby, Scarborough, and other places formed another group. Meetings were held in Liverpool, Manchester, Birmingham, Leeds, Sheffield, Bristol, Plymouth, and Cardiff, and other towns in Wales; in towns on the South and East coasts, and in numerous other places. In some instances there was a little opposition, but mainly of the negative kind. In no case were we met by any opposing resolution. The fact is that enthusiasm permeated "all sorts and conditions of men," and open hostility would have been interpreted to mean a condonation of the evil practices exposed in "Our Seamen," so that shipowners and shipbuilders remained quiescent. Silence was golden.

15. *Incidents in Scotland.*—Public meetings are so similar in nature and character that no special description is required. They are characterised by unanimity and enthusiasm, by open hostility or strong dissent, or by mixed feelings neither deep nor strong. Those held on behalf of "Our Seamen" were of the first order, so far as I remember without exception. Two or three incidents may be recorded as of interest in connection with this movement. (1) Mr. Plimsoll had to attend two meetings in Scotland on the same day (Monday)—one at Edinburgh in the afternoon, the other at Leith in the evening. Late on Saturday night Mr. Plimsoll sent me a telegram asking whether it was imperative for him to attend. I wired back, "Yes; most important." I got a wire on Sunday morning to meet him at the station. I did so, when he told me that he had been warned that a writ for libel, if that be a correct term for Scotland, would, if

possible, be served upon him. So we took measures to ensure privacy until the Leith meeting was over. He so timed himself that he entered the afternoon meeting just as the chairman was concluding his speech. He was received with great cheering, and, after an impassioned address, left the hall amid an outburst of enthusiasm and returned unmolested to his hotel. For the Leith meeting I had arranged a guard of honour ; only the convener of the meeting and I knew for what purpose. Here again he left at the close of his speech, and made for the station to catch the night train. His reception at both meetings was magnificent in unanimity, intensity of appreciation, and unbounded enthusiasm.

16. (2) *The Whitby Meeting*.—Mr. Lloyd Jones and I had splendid receptions at the meetings held in the chief ports on the North-East coast, but two incidents in that tour may be related. At Whitby I was tolerably well known in connection with the Reform League movement, labour questions, and especially the election of Mr. William H. Gladstone in 1869, when I had a reception far exceeding in enthusiasm that accorded to the candidate himself. I therefore felt confident of willing help being given in Whitby. When I arrived, however, I was disappointed. The agent from Hull who organised the meeting told us that he could not get a chairman or speakers. "But," he said, "you will have a crowded audience in the Drill Hall." I visited some of my old friends, but could get no chairman or speakers. "Well, you see," said one upon whom I had confidently relied, "Mr. Plimsoll has been rather hard upon Whitby and Robin Hood Bay, which is near, and a large number of our people here have shares in vessels of one sort or another—only small in some instances, but an interest." The hall was crowded ; we were received with cheers. I asked the audience to appoint a chairman, or for a volunteer. No one moved. I then asked the hall agent to preside, and at once addressed the meeting, concluding with a resolution. An outburst of enthusiastic cheers was my reward. Lloyd Jones followed in an eloquent and

impassioned appeal, and was again and again cheered. The resolution was unanimously carried. I then asked some one to move a vote of thanks to the chairman. Twenty or thirty at once responded, with loud shouts, "To the speakers too!" which were heartily given. Thus ended a memorable meeting which I had feared might have been a failure.

17. *The Hartlepool Meeting.*—(3) Our difficulties at Hartlepool were greater. A meeting had been called for Monday evening. As we arrived at the station, between 8 and 9 a.m., a gentleman came to the carriage doors calling out my name. When I answered to it he said, "Keep behind for a moment; I have something important to tell you." It was important and discouraging. The meeting, he told me, was abandoned. The member, father of the gentleman who was to have been chairman, had spoken against Mr. Plimsoll's action on the previous Saturday. The local agent was timid, and it ended with the abandonment of the projected meeting. I was at once astonished and indignant. The hall, we were told, was closed against us. I asked if there was a theatre? "Yes," was the reply; "but it is open to-night." I got to know the name and address of the lessee, went to him, asked him to give it to us for the night at a reasonable price, telling him the object. I prevailed. We agreed as to price. I asked him to collect his band to parade the town, also for an introduction to his printer. Bills were put in hand, and by 12.30 some bills were already out, wet from the machine; the band was out also, playing in the streets; the town crier also was out announcing the meeting. At about 12.50 the gentleman who was to have presided called at our hotel and introduced himself. Explanations followed; he asked if we would still like him to preside. I said, "Yes." He consulted his father, and agreed. The meeting was held, the theatre was thronged, the enthusiasm was unbounded; the local member of Parliament was present on the stage. At the conclusion of my speech he rose to his feet, grasped both my hands, and thanked me amid

vociferous cheers. Lloyd Jones was in his best form, and so ended in peace and harmony what a few hours before had threatened to be a disaster.

18. *Manchester Meeting and Others.*—(4) A great meeting was convened in Manchester to be held in the Free Trade Hall. I waited upon the Bishop (Fraser) and asked him to preside. He hesitated, on the ground that he knew nothing about the subject. I explained. He agreed as to the objects, but still hesitated. I said, "My Lord Bishop, if you will consent I will give you a brief which can be relied upon for a speech from a quarter of an hour to an hour, as your lordship pleases." He consented, the meeting was announced; I gave him a brief in the form of heads of a discourse. He presided, spoke for over forty minutes to a crowded audience, and was loudly cheered for his splendid speech. I followed, then other speakers, the resolutions being carried unanimously, and with great enthusiasm. (5) A meeting was convened in the Birmingham Town Hall for Wednesday evening; Mr. Plimsoll had promised to attend. He was kept in the House later than expected. He wired to me: "Keep meeting going; have hired a special; shall be with you about nine." I read the telegram to the meeting; spoke until nearly exhausted. Then shouts arose: "He's coming!" A few minutes after nine he appeared on the platform; amid the wildest enthusiasm he was welcomed, and spoke. (6) At a meeting at the St. Pancras Vestry Hall Mr. Plimsoll practically foretold a terrible disaster, which might have involved another action for libel. But the disaster did occur soon after the speech, causing sadness and mourning in many households—the *owners*, however, were not to blame.

19. *Proceedings in Committee.*—The Committee, as before stated, interfered with Mr. Plimsoll as little as possible, or with what may be termed the outside agitation—meetings and the like. It prepared the draft petition, hundreds of which were sent to Parliament, some with a large roll of signatures, some signed by the chairmen of the

several meetings by which endorsed. The Committee were most anxious about the libel cases, and did much privately to avert the several actions coming to an issue. It also tried its best to avoid further complications in this respect. The chairman—good and discreet, and withal brave Lord Shaftesbury—and all the members of the Committee were much upset and very anxious over Mr. Plimsoll's speech at the St. Pancras Vestry Hall, and a special meeting was convened to consider the situation. The firm of shipowners was represented by one who was a member of the Committee. Mr. Plimsoll was asked to withdraw the reference, and mildly to apologise for what was regarded as a mistake, founded upon unreliable or inaccurate information. The position was a grave one. To refuse what was asked was to fly, as it were, in the face of his best friends. Mr. Plimsoll consulted me. I advised that it should be left to Lord Shaftesbury, Mr. Thomas Hughes, M.P., and the member of the firm to agree as to an explanation of his reference. But Mr. Plimsoll turned round sharply and asked if the information was reliable and the facts as he stated. I was bound to say yes, yet urged that possibly “unseaworthy” was too strong a term. Mr. Plimsoll was firm, and the meeting ended. The loss of the vessel was reported shortly afterwards, and no more was heard of the threatened action.

20. *Caution and Prudence Advised.*—The incident related was the gravest that ever came before the Committee, and might have caused its collapse. Its redeeming feature was the good faith of all concerned. It showed Mr. Plimsoll's honesty and fearlessness under stress and strain; it also indicated want of prudence in the handling of such a delicate subject on the impulse of the moment, while it was fresh in his mind, impressed as he was with the fearful danger which loomed before him as he contemplated the possible wreck of the vessel. It led to more caution on the platform, if not in Parliament. The Committee felt no responsibility as to action or speeches in the House of Commons, but as regards

speeches and action outside the members were anxious to avoid giving offence as far as individuals were concerned.

21. *Work in Parliament.*—(1) *Royal Commission.*—The first efforts of the Committee were directed to supporting Mr. Plimsoll's demand for a Royal Commission to inquire into the allegations made by him. There was some opposition at the outset to the appointment of such a Commission, but Mr. Gladstone's Government consented, though the reference did not cover the whole ground which such an inquiry demanded. There were no sub-commissioners appointed to be sent to the various ports to obtain evidence on the spot. The constitution of the Commission was not satisfactory, for it was "chiefly restricted to officials of the Board of Trade, and a few shipowners and shipbuilders." Seamen had no place on it, nor were they represented. "Mr. Plimsoll was examined, but evidence which he had prepared with great cost was not received; moreover, the inquiry was conducted with closed doors."

22. *Inquiry and Reports.*—The inquiry began early in 1873, the Final Report being issued in August, 1874. An Interim Report was issued meanwhile, a careful synopsis of which I prepared for the Committee, and was by its authority published. With the Final Report was published the voluminous evidence obtained by the inquiry. That evidence showed that the general allegations made by Mr. Plimsoll were true in substance and in fact. The Final Report of the Commission more than justified the charges made by him with regard to the necessity for legislation, and, virtually, fully supported the precise measures advocated by Mr. Plimsoll, although they were so dispersed in the Report that it required care to bring the several points into cohesion. This was, however, done in the examination of the Reports published by the Committee, and also in their own Report subsequently published.

23. *Committee's Reports.*—In the preparation of the Committee's Reports, I had the assistance of Captain

Symonds, who also prepared a complete index to the Evidence and Reports. Every report and paper issued by the Committee's authority was submitted to the members in proof, and were examined and corrected before publication, and by them authorised to be issued. The Commission was, by its constitution, somewhat adverse to the cause of "Our Seamen." But it did its work conscientiously, fairly, and thoroughly, within the rather limited terms of reference. The Committee complained of its constitution at the time, but the Report, after careful examination, gave little cause for condemnation or criticism, except that the conclusions were weakened by being detached and dispersed in the Final Report.

24. *Bills and Measures in Parliament.*—Mr. Plimsoll early in 1873 introduced a Merchant Shipping Survey Bill. It was talked out without his being able to go to a division. The Committee carefully considered that Bill, and suggested some modification in its details. I was instructed to request Mr. R. S. Wright (now Mr. Justice Wright) to redraft the Bill. He consented, and did so, refusing fee or reward. This new Bill was introduced in 1874; it was lost only by a majority of three on the division—that the Bill be read a second time—Ayes 170, Noes 173. The Committee, in their report thereon, say: "Had the Final Report of the Commission been issued, we have every reason to believe that the Bill would have been read a second time."

25. *Unseaworthy Vessels Detained.*—"Although Mr. Plimsoll's Bill was defeated in 1873 the Government, as a result of the agitation, brought in a temporary Bill, which was carried." It "gave power to the Board of Trade to detain vessels which they had evidence to show were unseaworthy, whether from unseaworthiness or from overloading." Under that Act 440 vessels were detained as unseaworthy within about a year, "only sixteen of which were found to be sufficiently seaworthy to be allowed to go to sea; so that under the Act of 1873, whatever its deficiencies, no less than 424 vessels have

been found to be unseaworthy.”<sup>1</sup> The Committee thereupon said : “ These facts fully establish the necessity for a compulsory survey of all unclassed vessels, because the Board of Trade could only act on information given ; in some cases Mr. Plimsoll had to become responsible for costs if the information given was incorrect.”

26.—*Mr. Plimsoll's Responsibility.*—Mr. Plimsoll had made himself responsible to a ruinous extent in the detentions of vessels under the Act. But so carefully had he collected and sifted his facts, and so clear was his judgment, that in no case was he called upon to pay costs, not even in the cases of the sixteen vessels out of 440 which were allowed to go to sea. Mr. Plimsoll was greatly aided in his work by the loan early in 1873 of some Draft of Water Records of the Board of Trade. He had found that, at certain ports, a daily record of vessels sailing and the depth of immersion was registered and sent to the Board of Trade. The statements were sent to Lloyd's underwriters and were available to these alone. It was right that they should have them for insurance purposes. Mr. Plimsoll thought “ that these records should be utilised for the safety of our sailors.” He published a series of them in facsimile, and also a series of letters pointing out that, from their own records, many of the vessels which sailed on the preceding day or days were overladen, as shown by the depth of immersion. As the records only appeared after the vessel or vessels had sailed they were not of use for detaining those overladen. The Board of Trade published some of Mr. Plimsoll's letters, which contained valuable information as to overloading, but they also exposed the writer to some danger because of the information contained therein.

27. *General Election, 1874, and After.*—The cause of “ Our Seamen ” was kept well to the front throughout the country during the General Election of 1874, both by the Plimsoll Committee and by the Parliamentary Committee of the Trades Congress, and numerous

<sup>1</sup> Extracts from the Report of the Plimsoll and Seamen's Fund Committee, 1873-4, issued by that Committee.



candidates pledged themselves to support Mr. Plimsoll's Merchant Shipping Survey Bill, or some similar measure having the same objects. The election resulted in the return of a considerable Conservative majority. A change of Government followed ; Mr. Gladstone was replaced by Mr. Disraeli. Mr. Plimsoll reintroduced his Bill, which, as before stated, had been refused a second reading only by a majority of three. The new Government introduced a Bill early in 1875, as they could not, or would not, support that of the hon. member for Derby. The second reading was fixed for April 8, 1875, and the Plimsoll Committee held a great meeting in its support in Exeter Hall on April 6th. On the 8th the Government Bill was read a second time. I may here say that there were many Conservatives on the Plimsoll Committee as well as Liberals. The Hamiltons, for example, were represented by Lord George, Lord John, and Lord Claude. Many families were similarly represented by two or three members, all more or less influential in the political world. Humanity and political interests were in accord to make the Committee hopeful of an early success in the legislative Session of 1875.

28. *Scene in the House.*—The hopes raised and the expectations cherished were doomed to disappointment. On July 22, 1875, Mr. Disraeli announced in the House of Commons that the Government intended to abandon the Merchant Shipping Bill, whereupon Mr. Plimsoll appealed most pathetically and excitedly to the Premier "not to consign some thousands of human living beings to a miserable death," declaring loudly that "he would unmask the villains who would send those sailors to death." Mr. Disraeli thereupon moved that "Mr. Speaker do reprimand the member for Derby." By the intervention of friends the motion stood adjourned for a week. The "scene" subsequently ended by the acceptance by the House of a mild apology drawn up by Mr. Plimsoll's friends and agreed to by him.

29. *Another Scene—Ladies' Gallery.*—Another painful scene in the House was the throwing into the House

from the Ladies' Gallery, by Mrs. Plimsoll, a very strongly worded protest against the delays in legislation for the protection of the lives of "Our Seamen." "Theatrical," some cried. Yes, perhaps. But there are times when men can only be surprised into action—awakened by a shock. The House of Commons required such a shock at that time. It had it. The country was full of the subject. Legislation became imperative.

30. *Legislation in 1876.*—Early in the Session of 1876 the Government reintroduced their Merchant Shipping Bill. It was read a second time on February 17th without a division. On May 8th the Bill passed through Committee in the House of Commons. It was read a third time and sent to the House of Lords, where it passed through its several stages and became law by the Queen's assent. Of course some efforts were made to "improve the Bill" by emasculating it, but it did not suffer severely. It was not all that was desired; still it was a great step. Mr. Plimsoll had won a signal victory.

31. *Expenditure by the Committee.*—The total expenditure by "The Plimsoll and Seamen's Fund Committee" was £14,182 13s. 5d. The heaviest items were: Printing account, £5,524 os. 3d.; law charges, £4,560 7s.; public meetings, £985 10s. 10d.; Board of Trade agents, cost of inquiries, surveying, &c., £231 7s. 8d.; outlay incurred by Mr. Plimsoll (law charges, engravings, &c., for books, postages, &c.), £359 9s. 2d.; advertisements, £322 13s. 9d.; amount transferred to and spent by the Ladies' Committee, £650; stationery, transit, postage, parcels, telegrams, and general petty cash, £876 7s. 3d.; rent of office, fuel, light, &c., and salaries, assistants, and general clerical work, £655 17s. 1d. There were outstanding accounts of £192 11s. at date of audit, for which Mr. Plimsoll was responsible. Most of this was paid subsequently from subscriptions received towards the deficit.

32. *The Libel Actions.*—The actions for libel issued against Mr. Plimsoll and others that were threatened caused grave anxiety to the Committee and to Mr.

Plimsoll's other friends in and out of Parliament. Every effort was made to avert the final issue of such in courts of law. Cases of criminal libel might have involved imprisonment if the allegations could not be legally substantiated. Civil actions for damages might have crippled his resources, if not caused actual financial disaster. Therefore earnest efforts were made in Parliament by mutual friends and outside of it by the Committee and others to avert trials in the courts. In one case, perhaps the gravest, Mr. Robert Applegarth was requested by some members of Parliament to interest himself in the matter and try to pave the way for a withdrawal of the action. He visited the port associated with the allegations and the consequent action, and he at least paved the way for an abandonment of that serious action. By means of those friendly interventions none of the actions were fought out in the courts of law, nor was Mr. Plimsoll called upon to pay any of the costs on the other side. As it was, the costs were very considerable, even as reduced by negotiations between the different firms of solicitors and the secretary of the Plimsoll Committee. The full costs before such reductions amounted to a much larger sum. The combined influence of Lord Shaftesbury, Mr. Thomas Hughes, M.P., Mr. A. J. Mundella, M.P., and others was of the greatest value in all those peaceful negotiations.

33. *Contributions to the Fund.*—The fund was started by a contribution of £1,550 by Mr., Mrs., and Nellie Plimsoll. Trade unions contributed £6,567 19s. 8d.; underwriters at Lloyd's, £1,066 16s.; the Amalgamated Society of Engineers, the Amalgamated Society of Miners, and South Yorkshire Miners voted £1,000 each; West Yorkshire Miners and Durham Miners £500 each; Cleveland Miners £300; Northumberland Miners £250; Ironmoulders £466; other miners' associations and trade unions made up the difference. Liverpool collected £370, Birmingham £341, Sheffield £287 10s. 2d. Three persons contributed £105 each and eight £100 each. The balance was made up of

sums under £100. The bank allowed an overdraft to meet unpaid accounts, which was repaid.

34. *Some Items of Expenditure.*—The expenditure covered not only the whole period during which the Committee existed, but also a good deal of the preliminary cost, as, with Mr. Plimsoll's donation of £1,550 and other personal costs out of pocket, the Committee considered that Mr. Plimsoll personally should, if possible, be relieved of further financial responsibility. The considerable reductions in law charges by the secretary's interviews with the various firms of solicitors engaged were made without resort to taxation. The reduced amounts were reported to the Committee, and by them thought to be reasonable. Of the £650 transferred to the Ladies' Committee and by them expended £500 came through that Committee in the course of its existence.

35. *Further Work on Behalf of "Our Seamen."*—With the dissolution of the Committee the work did not cease. Mr. Plimsoll kept up the agitation until further legislation and the action by the Board of Trade had practically realised his desires. In that work I voluntarily assisted him for many years. When I was elected member of Parliament in 1885 Mr. Plimsoll requested my help to complete his work. I readily consented, and was able to carry three Bills—providing for an effective loadline, inspection of ship's provisions, and other matters. The final consolidation of the Merchant Shipping Acts in 1894 embodied all previous legislation respecting the safety and comfort of "Our Seamen." Though I encountered some opposition in respect of these three measures, and was compelled night after night to remain in the House till after midnight in order to secure their passing, I was at all times courteously treated by those who opposed the Bills. Sir Michael Hicks-Beach was friendly and encouraging; shipowners met me courteously and discussed differences; the House was sympathetic and kindly. The Acts as statutes are repealed, but their provisions remain. At the Committee on Consolidation

Sir Edward Hill represented the shipping interests ; I was regarded as representing the seamen, but the Committee permitted Mr. J. H. Wilson and a shipping expert to be present to ensure that justice be done to all parties.

36. *Loss of Life at Sea—Official Returns.*—There were, of course, differences of opinion as to the enormous sacrifice of life at sea and as to the urgent necessity for legislation. Some of Mr. Plimsoll’s friends and supporters thought that he exaggerated the fearful evil. I therefore give a brief summary of three Official Returns, which, however, do not reveal the whole truth, but the figures are significant. (a) Mr. Norwood’s Return (No. 143, issued in 1883), years 1867 to 1882 inclusive : By collisions : crews lost, 1,659 ; passengers, 519 : total, 2,178. Other casualties : crews lost, 31,768 ; passengers, 5,468 : total, 37,236. Aggregate : crews, 33,427 ; passengers, 5,987 : total, 39,414. (b) Mr. W. H. Smith’s Return (No. 73, issued in 1884) : ships foundered and missing, 1874 to 1883 inclusive : steamers, 251 ; sailing ships, 1,657 : total lives lost, 12,494. (c) Mr. Chamberlain’s Return (No. C—3909, issued in 1884), Wreck Commissioners, 1877 to 1883 inclusive (official inquiries, 402) : ships stranded, 163 ; collisions, 67 ; foundered and missing, 127 ; other casualties, 45 ; lives lost, 2,313 ; masters and officers, 307 ; owners or agents, 94 ; accidental losses, 36 ; cause not known, 40. Mr. Norwood’s Return (marked (a) above) tells a sad tale, even without the others—nearly 40,000 lives lost in sixteen years ! The loss of property was also enormous, but the larger proportion of this was covered by insurance, the underwriters at Lloyd’s paying a large share. The fact that they subscribed £1,066 16s. to the Plimsoll Fund indicated their feeling as to the need of legislation.

## CHAPTER XXVIII

### FURTHER ACTION TO REPEAL LAWS ADVERSE TO LABOUR

THE three last chapters have interrupted the continuous record of the persistent efforts to repeal the Criminal Law Amendment Act and other Acts adverse to labour. But the movements therein recorded form part of the general labour movement, and have an important bearing upon the subject-matter in hand. (1) The gas-stokers' trial, conviction, and sentence gave an impetus to the agitation for repeal, and helped to extend that demand to the Master and Servant Acts, as invoked in the gas-stokers' case. (2) The agricultural labourers' movement brought to our assistance a large body of men hitherto unorganised, all of whom were deeply concerned in the objects of the movement, especially as regards the law of contract as applied to hired service. (3) The Plimsoll movement was also important from that point of view, though its application was not quite the same as in other cases. It gave, however, greater breadth of view to those engaged in labour struggles, and had the effect of knitting together elements hitherto scattered. Workers on sea and land had become united in their efforts for juster laws, more equitable administration, and safer conditions of employment for all who labour that they may live.

1. *An Extended Programme.*—The gas-stokers' prosecution, trial, conviction, and sentence had given the deathblow to any compromise in the matter of the

Criminal Law Amendment Act. The demand now was—(1) For unconditional repeal. (2) For the repeal of the Master and Servant Acts. (3) For such an amendment of the laws of conspiracy as would prevent their being used as engines of torture and punishment in labour disputes. (4) For a reform of the jury laws in order to secure more even-handed justice in courts of law in matters relating to labour. (5) Reform the Summary Jurisdiction Acts, and an improved method of appointing justices of the peace, not of one class only, and that class, as a rule, adverse to labour. (6) With the latter came the demand for protection to seamen, who could be arrested, tried forthwith, and sentenced for refusing to go to sea in an unseaworthy ship, without even a chance of proving justification. Other reforms incidental to the above were also demanded. The objects sought were clear and definite. There was a consensus of opinion in regard to them ; there was unanimity as to method as well as objects ; and hence the agitation was wide and deep among all sections in the labour world. To this may be added the strong feeling of sympathy evoked in other sections of the community, both in and out of Parliament, with the chief objects aimed at.

2. *The Criminal Law Amendment Act.*—The first work of the Parliamentary Committee was to take initial steps for the repeal of the Criminal Law Amendment Act as instructed by the Leeds Congress. The draft Bill first submitted to the Committee dealt with the Master and Servant Acts, and also with the Law of Conspiracy as well as with the Criminal Law Amendment Act. But this was found to be too complicated for one measure, and, after full discussion, the proposal was abandoned. The Committee thereupon decided to deal with each subject separately. The question then arose as to whether it would be better to proceed by Bill or in the form of a motion in the House, throwing, in the latter case, the onus of a Bill upon the Government. It was resolved to adopt both methods. A Bill was prepared, and Mr. A. J. Mundella consented to take charge of it, Mr. Samuel

Morley and others agreed to back it, and use their influence to secure a second reading.

3. *Parliamentary Crisis*.—In the early part of the Session of 1873 a "Parliamentary crisis" arose which caused considerable delay, it being impossible for any "private" member to take action under such circumstances. In consequence of the defeat of the University Education (Ireland) Bill, on March 11, 1873, Mr. Gladstone announced on the 13th the resignation of the Ministry. On the 17th he moved the adjournment of the House until the 20th in order to see the result of Her Majesty's interview with Mr. Disraeli. On the 20th he stated that Mr. Disraeli had declined to take office, and therefore the Ministry had consented to resume their duties. Subsequently, on April 4th, Mr. Lowe's Budget failed to give satisfaction, and changes in the Ministry were thought to be imminent. Those Cabinet difficulties were not favourable to the labour cause.

4. *Criminal Law Amendment Act Repeal Bill*.—The Parliamentary Committee were very busy during the whole of the time. They had frequent meetings, and the officers were in almost daily attendance at the House interviewing and in consultation with members. A draft Bill was agreed to on March 28th, and a full meeting of the Parliamentary Committee was convened for April 22nd and 23rd to discuss its details. These were agreed to. The Bill drafted by Mr. R. S. Wright was adopted. In addition to Mr. Mundella and Mr. S. Morley, Mr. Alderman Carter, of Leeds, and Mr. Eustace Smith backed the Bill. These agreed to press the measure to a division unless the Government accepted it.

5. *Fate of the Bill*.—A conference of members of Parliament was held at the Westminster Palace Hotel, at which the measure was endorsed, Mr. Mundella consenting to take charge of it. On May 12th the Bill was introduced and read a first time. It was on the Notice Paper day by day, but no opportunity for a second reading or any debate occurred. Working men sometimes seem to think that it is as easy to draft a Bill and carry it



as it is to draw up a resolution and pass it at a public meeting. We did not find it so in the early seventies. Is it easier now?

6. *Motion for a Select Committee.*—In consequence of those difficulties and delays Mr. Auberon Herbert gave notice of a motion for the appointment of a Select Committee “to consider what changes it is desirable to make in the Criminal Law Amendment Act, 1871.” The motion came on for discussion on July 15th. On the 12th I sent out a special whip, on behalf of the Committee, to secure a “house” in case of a “count.” The “house” was made, a discussion took place, the motion was pressed to a division, and was only defeated by a majority of four. In the division list it was found that thirteen members of the Government voted in the majority, thus defeating the motion. “Mr. Bruce gave no encouragement to any effort, however mild, for the amendment of the Act.”

7. *The Master and Servant Acts.*—The law of contract had been so mixed up with the laws of conspiracy that it was difficult to separate them. In dealing with one it was requisite to deal with the other. In the gas-stokers' case the complications were emphasised. Batches of the Beckton men were proceeded against for breach of contract, and some were imprisoned; then five were prosecuted for conspiring to break contracts, and were sentenced to twelve months, the maximum punishment being three months under the Master and Servant Acts. We were not able to proceed in the House of Commons in that case by reason of the attitude and conduct of the Home Office, and the remission of two-thirds of the sentence. In this matter I was practically tongue-tied, as I had been consulted, and assented to the gas-stokers' petition for the remission of the sentence, knowing beforehand that the prayer would be granted.

8. *The Law of Conspiracy.*—The Trades Congress at Leeds having included “conspiracy” in its programme, it became the duty of the Parliamentary Committee to take steps accordingly. Consequently I was instructed to wait

upon Mr. W. Vernon Harcourt to ask him to bring the whole question before the House of Commons. This he consented to do. He had promises of help from Mr. Henry James and others when the subject came before the House. Mr. Harcourt handed in his notice of motion on February 24th, the date fixed for the debate being March 21st. He was, however, detained abroad at that date, and therefore he wrote to Mr. Henry James to undertake the task. The latter gentleman did not get the letter in time to enable him to arrange for such an important debate, and consequently he suggested to me that it would be better to leave the matter in the hands of Mr. Harcourt, and take action upon his return to England.

9. *Motion and Debate in House of Commons.*—Considerable difficulty arose as regards fixing another date, but ultimately Friday evening, June 6th, was decided upon, and Mr. W. Vernon Harcourt opened a debate of great importance to labour, both as regards conspiracy and contracts of service. Mr. Harcourt was supported by Messrs. Henry James, Bernal Osborne, and Auberon Herbert. Several other members were prepared to speak in support if occasion required. The Attorney-General (then Sir John Coleridge), representing the Government, spoke against the motion. In the course of his speech he mildly taunted Mr. Harcourt with having brought the matter forward in the form of a motion, and challenged him to bring in a Bill, to test the feeling of the House upon a direct issue, involving the points raised in the motion, the terms of which were as follows:—

“That the Common Law of conspiracy, as declared in the case of ‘the Queen v. Bunn and others,’ ought to be amended, limited, and defined, and that where Parliament has prescribed limited penalties for particular offences, it is inexpedient that more grievous and indefinite punishments should, under the form of indictments for conspiracy, be inflicted for agreements to commit the same offences; and that the exceptional laws which enforce the civil contract of service by criminal penalties are unjust in principle and oppressive in their operation, and ought to be amended.”

10. *Mr Harcourt's Speech.*—The whole issue was thus raised without calling in question Mr. Justice Brett's very questionable sentence. Mr. Harcourt referred to the "ineffectual attempts" made in the House of Commons in the previous year (1872) "to get the question of the laws affecting labour discussed in the House," and to the rebukes levelled at him "for bringing it on in an irregular manner." He "predicted that mischief would occur in consequence" of the refusal of the House to fairly meet the question. The Home Secretary had advised the House to wait and see what the judges and magistracy of the country decided in cases under the Acts complained of by the workmen. Mr. Harcourt then referred to the gas-stokers' case, decided by a judge, and to the Chipping Norton case, decided by two justices of the peace, the sentences in which cases, he said, to speak mildly, had not been ratified by public opinion. In the Chipping Norton case "a whole village of women were sent to prison" for simple breach of contract; the Home Secretary treated the matter lightly, but the *Times*, to its credit, strongly condemned the sentence pronounced by the magistrates, while Mr. Frederic Harrison, in a letter to that paper (June 2, 1873), declared that "it is the Act which led the two magistrates into their blunder." Mr. Harcourt's speech covered the whole ground in a masterly manner, and did much to advance the claims of workmen to even-handed justice.

11. *Other Speeches.*—Lord Elcho, who followed, said that he "cordially approved" the "closing sentiment, which insisted upon the necessity of securing perfect freedom between man and man." The noble lord defended the principle of his Act of 1867, which gave power to the courts to impose a penalty of imprisonment in "aggravated cases, involving injury to persons or property." He contended that "the workmen's representatives, even George Odger, had agreed that criminal punishments were justifiable in certain cases." The noble lord, however, opposed the motion before the House. Mr. Bernal Osborne supported the motion and criticised the speech

of Lord Elcho, while praising his action in respect of the Master and Servant Act, 1867. He insisted that "the decision of Mr. Justice Brett had produced an unfortunate shock on the public mind, a decision which was evidently a wrong one, since the right honourable gentleman (the Home Secretary) had remitted the sentence." He suggested that imprisonment for breach of contract should be abolished and the law of conspiracy amended. Mr. Auberon Herbert warmly supported the motion. He quoted cases of hardship under the Acts in rural districts. He challenged Lord Elcho's statement as to George Odger's assent to imprisonment, stating that Mr. Odger had guarded himself in his evidence before the Select Committee. He also referred to cases of seamen imprisoned for refusal to sail in coffin-ships. He urged that the question be dealt with before the general election, in order to avert the "bitter tone" which otherwise would prevail.

12. *Attitude of the Government.*—The Attorney-General (Sir John Coleridge) charged Mr. Vernon Harcourt with exaggeration and misrepresentation. But he was careful to add that, "on the main subject, they were entirely at one with him." He then went on to show how "entirely" he differed from Mr. Harcourt's speech and motion. He disputed Mr. Harcourt's law, but really gave no instance of its inaccuracy. He argued "that the provisions of the Act were applicable equally to both employers and employed." In the words of the Acts, yes; but not in fact, for employers were never sent to prison, while the employed were, though both committed the same offences. He admitted that "the law of conspiracy was almost entirely a judge-made law"; he defended its elasticity, but its vagueness and indefiniteness "was a very bad thing." In referring to the case of the gas stokers the Attorney-General said: "In the case of the gas stokers it was assumed that two propositions were true: first, that it was an offence against the Common Law of England for a number of persons to combine to compel a person to conduct his business in a way to over-

bear his will. That seemed to be the view taken by Mr. Justice Brett. The second proposition was, that for a number of operatives to conspire or combine to break a civil contract, was also an offence against the law of England. He must honestly say that he was unable to perceive that that was otherwise than a new doctrine." In the above-quoted sentences Sir John Coleridge conceded the whole point as contended for in the memorial of the Gas Stokers' Defence Committee.

The Attorney-General went on to say that the attention of the Law Officers of the Crown had been called to the charge of Mr. Justice Brett, and their opinions thereon had been taken. This was as regards the memorial of the Defence Committee. He continued : "In his opinion these two propositions (above quoted), if true, were at all events new, and unless they were questioned they might pass into the text-books and become accepted points in the law of conspiracy as laid down by judges of eminence." He added : "That was new law, and it was high time, if Parliament thought it undesirable law, that the legislature should interfere to limit and define it." Then he cautioned the House as to the difficulties. "They would tread a thorny path," he said, and forthwith quoted a decision of Mr. Justice Lush "in a directly opposite sense" to that of Mr. Justice Brett in justification of his plea that it was dangerous to define "the law of conspiracy." One curious statement as to procedure must not be omitted. Sir John Coleridge said : "It must be remembered that courts of law had to consider not the offence which a man had committed, but the offence for which he was indicted. If prosecutors chose to waive the superior and proceed only for the inferior offence, the court could not go beyond the indictment." Just so ; but where does equity come in?

13. *Dr. Ball's Criticism.*—Dr. Ball criticised the speeches of Mr. Harcourt, the Attorney-General, and Mr. Auberon Herbert. He was opposed to "discussions in that House in reference to cases decided in courts of law and the conduct of Her Majesty's judges

in trying them." He then referred to the want of agreement between the mover of the resolution and the Attorney-General "as to the principle on which the case to which they referred was decided." He continued: "The hon. and learned member for Oxford said that Mr. Justice Brett and the magistrates had not erred, but that the law had. The hon. and learned gentleman, the Attorney-General, had, on the other hand, said that what he cavilled at was the law as laid down on the two occasions as not representing what the law was, or as being a new view of it." He opposed any alteration of the law.

14. *The Solicitor-General's Outspoken Speech.*—The Solicitor-General (Sir George Jessel), in reply to Dr. Ball's contention "that Parliament had no right to examine propositions laid down by judges, said he was prepared to assert the right of every hon. member to that same liberty of speech inside the House which every individual outside of it possessed." He contended that hon. members had as much right to blame a judge as to praise him, if need be. He "dissented from the law as laid down by Mr. Justice Brett in the case of 'the Queen v. Bunn.' It was contrary to the charge by Mr. Justice Lush in a similar case."

15. *Decision as to a Bill.*—The learned Attorney-General had in his speech chaffed Mr. Vernon Harcourt as to bringing in a Bill—the Government was not prepared to do it. His hon. and learned friend was better fitted "than any man in England to prepare such a Bill." Mr. Harcourt came to me under the gallery and said, "You hear, Howell, what the Attorney-General says—what shall we do?" I replied, "Give notice of such a Bill at once." "Who is to draft it?" he asked. "Mr. R. S. Wright," said I. "Will he do it?" he asked. "Yes," replied I. Notice was subsequently given, as the sequel will show. I may here remark that I had several interviews with Sir John Coleridge over these matters, the longest in his room in the House of Commons. Nothing could exceed his courtesy and blandness. For-

tunately I was a good listener if an indifferent speaker. Sir John explained to me the technical points in law and procedure, and tried to impress upon me that the vast range of English law—Common Law and Criminal Law—was intended to do justice, to be a terror to evil-doers, but a protection to those who did well. I held my ground as well as I could, and went away with the stronger conviction that our contention as to the Labour Laws was the right one—a conviction soon to be shared even by our opponents.

16. *Mr. Henry James's Speech.*—Mr. Henry James defended the course taken in bringing the matter before the House “on the question of going into Committee of Supply” as a grievance. He said: “Working men complained that the law of conspiracy pressed peculiarly in its uncertainty upon them. In punishing what the law called conspiracy we were punishing what working men called combination. They were bound to combine, and their experience was that without combination all attempts to improve their condition were hopeless.” He then went on to show how the Master and Servant Act, especially § 14, was unjust in its operation, and also the Criminal Law Amendment Act, together with conspiracy. As regards the contention that the Master and Servant Act applied equally to employers and workmen, he said, “In words, no doubt, it did apply, but in effect it did not, and could never do so.” He reminded the House that the Attorney-General had admitted “that an inequality existed.” “Ought not something then to be done?” he said. He added: “If hon. members treated with contempt a demand for redress of a serious grievance of this kind they would place in the hands of that class (workmen) a power which they might have cause to deeply regret.” “If hon. members combined to refuse the alteration of a law which had proved to be unequal and unjust they would be guilty of a worse combination than that charged against these men under the Act in question.”

17. *Mr. Bruce's Reply.*—Mr. Bruce said “he would

admit if the law laid down by Mr. Justice Brett were correct it would be the duty of the Government to introduce an amending Act. But it was because they were satisfied, after full consideration, that that was not the case that they did not think it necessary to bring in a Bill to amend the Act of 1871." Why, then, let me here ask, did the Government condemn Mr. Justice Brett's sentence by the remission of sentence by two-thirds only, when the maximum under the Act was only one-fourth? The Home Office condoned the bad law sentence "after full examination" by reducing the sentence to four months instead of three. The right hon. gentleman defended the Master and Servant Act, 1867, and quoted in support of it the following statistics from a Return laid upon the table of the House on that day. In 1866 the number of persons proceeded against under previous Acts was 12,345, of whom 7,557 were convicted and 1,658 imprisoned. In 1871 the number proceeded against was 10,810, and of these 6,390 were convicted and only 494 imprisoned. In 1872 the number proceeded against was 17,082, of whom 10,359 were convicted and 742 imprisoned." He regarded this as justifying the Act; we regarded it as still being radically bad, though an improvement upon the series of Acts in force up to 1867.

18. *General Effect of the Debate.*—No apology is needed, I think, for having given the foregoing careful and rather extended summary of the important debate on Mr. Vernon Harcourt's motion. As I sat under the gallery listening to the discussion and watching the scene I somehow felt that we were nearing the end. The Law Officers of the Crown had conceded or admitted so much that their defence of the law as it stood, and of convictions under it, amounted to condemnation. There was apology and excuse, but practically no defence. Mr. Bruce pleaded for "a further trial"—that is to say, more prosecutions, more convictions, and more men in prison; then if decisions like that of Mr. Justice Brett and of the Chipping Norton magistrates were repeated



the Government would feel it to be "their duty to deal with the matter." But we were impatient of delay. Excuses did not avail with us. Injustice was being perpetrated. Innocent men and women were being sent to prison. The labour leaders were targets for the more unscrupulous employers to shoot at if chance offered and anger and irritation got the upper hand. Personal safety demanded the repeal of Acts or radical amendment. Above all, labour needed a freer hand, the only limitation being justice and equality between the hirer and the hired.

## CHAPTER XXIX

### AGITATION, SPREAD OF UNIONISM, AND FURTHER PARLIAMENTARY ACTION

LABOUR movements in 1873 were so varied in character and diversified as to methods, that one can only take up a single thread at a time. In this way we may indicate the warp and woof of the fabric, if we cannot clearly distinguish each thread in the finished piece. At any rate, we may be able to follow the pattern, and in some cases that will have to suffice.

1. *Demonstrations in London and Elsewhere.*—The agitation for the repeal of laws adverse to labour had become general, and, in a certain sense, acute. The feeling against the Liberal Government, and especially the Home Secretary, was intensified, as each step by us taken was more or less opposed. Strong speeches were made on the platform, even if the resolutions were mild in form and expression. With one exception, the largest gatherings took place in the mining districts—at Leeds, on the Cleveland Hills, in other parts of Yorkshire, in Staffordshire, in Durham, Northumberland, Cumberland, Lancashire, in South Wales, in the West of England, and in the Scottish coalfield districts. Vast meetings were addressed by Mr. Alexander Macdonald, the present writer, and others associated with labour.

2. *Hyde Park Demonstration.*—A great demonstration of Trade Unionists was organised by the London Trades' Council and the Parliamentary Committee of the Trades' Congress in Hyde Park on June 2, 1873—"To denounce

the Criminal Law Amendment Act, the penal clauses of the Master and Servant Act, and the Conspiracy Law, as far as they are applicable to combinations of workmen." That meeting, and by name some of the men who took part in it, were referred to in Parliament during the debate on Mr. W. Vernon Harcourt's motion, June 6th. In all the meetings held the one demand made was equality before the law for employers and workmen alike. I attended most of the larger demonstrations, and here let me say that in no instance did I hear any attempt to justify violence or intimidation. In the rank and file sometimes men, in fits of anger, would exclaim, "Serve them right," referring to abuse of "knobsticks"; but individuals in the "classes" speak and act similarly when persons of their acquaintance do what they think a dishonourable thing. Is more to be expected from the "uneducated masses" than from the "educated classes"? Outrage and violence were denounced by the labour leaders as well as by their censors, but the former did not regard the distribution of handbills as intimidation, punishable as a criminal offence, as in the Hammersmith case.

3. *Spread of Trade Unionism.*—Trade unions multiplied and their membership vastly increased during those years of agitation, 1867 to 1873. Persecution and veiled threats of extermination, by the suppression of the unions, because of the scare caused by outrages at Sheffield and elsewhere, acted as a stimulus to the labour leaders, and the unionists in the various industries readily responded to their appeals. A wave of enthusiasm swept over the land. This was helped by the stupendous development and extension of trade. Prosperity begot a desire for higher wages; combination was the means whereby advances could be attained. Workmen flocked into the unions, if for no higher motive, because it aided them in obtaining what they called "the big shilling." To many increased wages represent the highest aspiration they can claim. Others see beyond that narrow boundary, and urge combination for other and more permanent objects. Not only did unions increase and multiply, but many were reorganised

on a broader basis. "They are come to stay," said some of the old stagers, and hence permanency was regarded as one of the chief aims of the labour leaders of that period. There were some failures ; the men grew weary of well-doing ; but there were also many significant successes, some of which remain to this day models of what trade unions ought to be—well-regulated institutions, a credit to labour, and an honour to the land of their birth.

4. *Conspiracy Law Amendment Bill*.—Mr. Vernon Harcourt gave notice of "a Bill to Amend the Law of Conspiracy as applied to Masters and Servants," which was brought in and read a first time on June 12, 1873. It was backed by Mr. Harcourt, Mr. Mundella, Mr. Rathbone, Mr. Henry James, and Mr. Douglas Straight. In moving that the Bill be now read a second time, on July 7th, Mr. Harcourt explained that "it did not deal with the vexed question of the Master and Servant Act, or with the question of contract. The measure dealt simply with the question of conspiracy, and that only in the case of master and servant." "It provided that no prosecution for conspiracy should be instituted unless the offence was indictable by statute, or was punishable under the provisions of some statute with reference to violent threats, intimidation, or molestation ; that no prosecution should be instituted except with the consent of the Attorney- or Solicitor-General ; and that persons convicted upon such prosecution should not be liable to any greater punishment than that provided by law for such cases as aforesaid." He further explained that the consent of one of the Law Officers of the Crown was necessary, because many of the magistrates before whom such questions came were employers.

5. *The Bill Passed by the Commons*.—Mr. Bruce, in assenting to the second reading, wished that his hon. and learned friend "had brought in a Bill dealing with the general law of conspiracy." He also explained that the Government dissented from some of the provisions of the Bill, especially that part of it which required the consent of the Law Officers. The Bill was thereupon read a

second time. It subsequently passed through Committee, was read a third time, and sent to the House of Lords. The order for the first reading was merely formal. The Earl of Kimberley moved the second reading on July 31st, briefly indicating the nature of the measure. Lord Cairns said that he would not oppose the second reading, but he had grave doubts about its provisions, which "filled him with considerable apprehension."

6. *Bill in the House of Lords.*—The House of Lords went into Committee on the Bill on August 1st. Lord Cairns criticised its provisions. He said that "the sentences passed on the gas stokers were undoubtedly severe, but there was no reason for saying that they were not in accordance with existing law." He favoured the Bill of Mr. Vernon Harcourt as first introduced, limiting such sentences; but objected to the Bill now before the House, enlarged at the instance of the Government so as "to remodel the whole Law of Conspiracy." He thought the punishment provided by the Master and Servant Act, for an offence committed by an individual, was sufficient; and the punishment for conspiracy to commit the same act ought not to be heavier than that on the individual who actually committed it." To that extent he was ready to support the measure.

7. *Lord Kimberley's Defence of the Measure.*—The Earl of Kimberley defended the action of the Government in enlarging the provisions of the Bill. The Lord Chancellor also defended the Bill, but, rather than the measure should be sacrificed, he was prepared to accept the suggestion of Lord Cairns. The Bill was thereupon committed, and the Committee proceeded to amend it. As amended and reprinted it was considered on the following day, August 2nd.

8. *Lords' Amendments Rejected in the Commons.*—On the order for consideration of the Lords' amendments, August 4th, Mr. W. Vernon Harcourt moved "that the Lords' amendments be taken into consideration on that day three months." He explained that the Bill as originally brought in was changed by the action of the

Government "against his earnest and repeated protest," because he saw that "the Bill would be wrecked." The hon. and learned member quoted Mr. R. S. Wright in support of his motion that the measure, as it stood, would not effect what was desired, and therefore he had no alternative but to abandon the Bill.

9. *Government Protest against Amended Bill.*—Mr. Bruce justified the course taken by Mr. Harcourt; he "confessed that the Bill as returned to that House was a measure which it was not worth while to pass"; and he went on to say that "in his judgment the subject ought to be postponed until the House could deal with it in a more comprehensive and satisfactory manner." Then he added: "For his own part, he denied that workmen as a class were exceptionally treated." What *did* Mr. Bruce believe? He was eternally wobbling. He and others like him in the House seemed difficult to please. We either asked too much or not enough; or, when right, we asked for it in the wrong way. Mr. Bruce defended the course taken by the Government—which wrecked the Bill. He was not prepared to pledge the Government—of course not—but they would consider what could be done, &c., &c. Dr. Ball defended what was done in another place—he was in favour of postponement. Mr. Hinde Palmer defended the course taken by Mr. Vernon Harcourt, and regretted that the Government could not give a pledge to deal with the subject next Session. Mr. Leith urged the Government to do so. Mr. J. Lowther condemned the way in which the Bill again came before the House, for the Lords' amendments had not even been printed. The motion was then put and carried, "that the Lords' amendments be taken into consideration upon this day three months."

10. *Who caused the failure of the Conspiracy Bill?*—It is important in this history that the saddle should be put on the right horse. Lord Cairns was undoubtedly responsible for the ultimate changes which led to the rejection of the Bill in the House of Commons, on the motion of its introducer, Mr. W. Vernon Harcourt.

But it was the action of Mr. Bruce, the Home Secretary, the mouthpiece of the then Government, that led finally to the changes which ultimately wrecked the measure. It is difficult to convey the changes proposed and made without reproducing the whole of the four Bills,<sup>1</sup> but I will indicate the chief. Clause 1 of the Bill read as follows: "A prosecution shall not be instituted against a person for conspiracy to do any act, or cause any act to be done for the purposes of a trade combination, unless such act is an offence indictable[at Common Law or] by statute, (or is punishable under the provisions of some statute for the time being in force relating to violence, threats, intimidation, or molestation, and no such prosecution shall be instituted except with the consent of H.M.'s Attorney-General or Solicitor-General.") Mr. Bruce proposed to insert the words in brackets, so [ ], and to leave out all the words after "statute," so ( ). Thus the whole character of the clause was changed for the worst—not amended.

II. *Effect of Government Changes.*—The proposal to insert the words, "at Common Law or," was intended to perpetuate the power of dealing with labour cases under the Law of Conspiracy, as by Mr. Justice Brett, in the case of the gas stokers. The acceptance of that "amendment" would have been fatal to the Bill at once. But after a good deal of pressure that amendment was withdrawn, and a totally different set of amendments were put down, making the Bill general, dealing with the whole law of conspiracy. Protest was of no use, and the Bill was wholly changed in character by the action of the Government. We were opposed to the changes, but the Bill as amended being backed by the whole force of the Government, we were obliged to submit while believing it to be fatal. In the Bill as finally passed and sent to the Lords,

<sup>1</sup> I published the four Bills at the time, to show the changes: (1) As introduced by Mr. Harcourt; (2) as amended in Committee; (3) as sent to the House of Lords, and (4) as returned to the House of Commons. See "Tracts for Trade Unionists (No. 4)," Parliamentary Committee, 1873.

seven "offences indictable at Common Law" were enumerated; in Schedule I., Part 1, and in Part 2, no fewer than twenty Acts are enumerated of "offences summarily punishable" under them. In Schedule II. three other Acts are mentioned. The Master and Servant Act was not quoted, and I felt anxious. I therefore saw Sir John Coleridge about it on July 30th. He assured me that the Act was "expressly omitted to get rid of the ruling of Mr. Justice Brett." He further stated "that the Government had taken a good deal of trouble about it." I do not doubt it, but they at the same time managed to muddle it, and get rid of the Bill in consequence.

12. *Master and Servant Act*, § 14.—Mr. J. Hinde Palmer made an effort to get rid of § 14 of the Master and Servant Act on July 29th, when the Expiring Laws Continuance Bill was in Committee. This was an Act which had to be continued annually, towards the close of each Session. In the Schedule a long list of Acts is specified, all of which it is thought needful to continue in force. On going into Committee, Mr. Butt opposed the Bill, because of the Unlawful Societies (Ireland) Act and others being in the Schedule. Mr. Hinde Palmer opposed it because "many of the Acts were of a highly penal character, and ought to be discussed separately." In Committee, Mr. Butt again raised the question; Lord Hartington defended the Bill as it stood; Mr. Butt's motion was defeated by a majority of 65. Mr. Hinde Palmer "moved to omit § 14 from the Master and Servant Act," the clause being that which affords a criminal remedy to a master for a breach of a civil contract. Mr. Bruce opposed the amendment; he said: "The law was a just and necessary law, and he would maintain it." Mr. Newdegate would give magistrates a discretion to admit defendants to bail, and thus get rid of some of the harshness of the clause. On a division, the amendment was lost by a majority of 20. Mr. Jacob Bright and Mr. Hinde Palmer were tellers for the Ayes; Mr. W. P. Adam and Captain Greville, Government Whips, were



tellers for the Noes ; one-half of the latter were members of the Government. The practice of so continuing highly penal statutes was severely condemned by the Marquis of Salisbury when the Bill came before the House of Lords. He said : "The Bill under discussion was merely a means to enable Parliament and Ministers to cheat themselves by smuggling Acts through quietly, against which there was very considerable objection." "The Earl of Carnarvon made a salutary protest against a very pernicious practice." Thus, bit by bit, our protests on behalf of the working classes became voiced even in the House of Lords.

13. *Other Measures in the Session of 1873.*—The Leeds Trades Union Congress gave to the Parliamentary Committee a vast programme, some special items in which have been dealt with at some length, as their importance demanded. The others need only be briefly enumerated and commented upon. (1) *The Trade Union Act, 1871*: Mr. J. D. Prior and Mr. C. J. Drummond had called attention to some defects in the Act of 1871 as regards the investment of funds, &c. The Parliamentary Committee could do no more than call attention to the matter, because of the state of business in the House ; but, ere the close of the year, a promise of an Amending Bill was given. (2) *The Juries Bill*: "The Committee felt bound to object to the Juries Bill brought in by the Government, and they prepared and signed a petition against it, which was presented by Mr. J. Hinde Palmer, who called attention to the views therein expressed, and to its prayer, in the House. The Bill came to grief, as a "slaughtered innocent." The report to Congress (1874) said : "Your Committee trust that no attempt to alter our system of trial by jury will be permitted, except to lower the qualification, so as to enable workmen to discharge the duties of jurymen."

14. (3) *Compensation for Injuries.*—As the President of the Board of Trade had promised me by letter, as secretary to the Committee, that the Government would introduce a Bill dealing with accidents causing injuries to

workmen, action on our part was deferred. Mr. Hinde Palmer endeavoured to obtain information, but could get no promise. The "Parliamentary crisis" was pleaded. The Committee consequently requested Mr. Hinde Palmer to reintroduce the Bill of 1872 in the Session of 1874, if the Government failed to redeem the promise made at the end of 1872. (4) *Payment of Wages (Truck) Bill*: When the Truck Bill was withdrawn, in the Session of 1872, after the alterations made therein by the Committee to whom it was referred, the Government promised to reintroduce the measure in the Session of 1873. But no attempt was made to reopen the question. The Parliamentary Committee could neither get promise nor information, but they continued to urge its importance to the workpeople upon members of the Government.

15. (5) *Factories Nine Hours' Bill*.—This Bill was in the hands of the representatives of the Factory Operatives themselves, and the Parliamentary Committee only gave such incidental help and support as the Operatives' Committee desired. Some of their friends and supporters deprecated making the question a purely trade union one, which they deemed would be the case if we were too much in evidence. We co-operated on all occasions whenever by so doing we could gain support for the Bill. It fell to my lot to be often with the members of the Operatives' Committee in the Lobby of the House and elsewhere, always urging upon members of the Government, and of the House of Commons, the necessity for such a measure in the interests of children and young persons, in factories and workshops, and in crowded and heated workrooms, wherever such were employed. (6) *Summary Jurisdiction of Magistrates*.—The only action we could take upon this question was to promote an inquiry. With that view Mr. Auberon Herbert gave notice of a motion "for an inquiry into the laws under which summary jurisdiction is administered, the way in which it has been administered, and also into the mode of the appointment of magistrates." The motion was

unsuccessful ; but the sentence upon the wives of agricultural labourers, at Chipping Norton, for alleged intimidation, kept the question fairly well before the public, being referred to again and again in the House, at public meetings, and in the press, as a stain upon the law and its administration.

16. *Other Work of the Parliamentary Committee.*—It will be seen that the work of the Committee was laborious, extending to a variety of subjects, several being embodied in Bills submitted to Parliament ; in other cases by motions, or notices of motions in the House, some eventuating in debates, and even in Divisions. (a) The Committee issued special Whips to members of the House of Commons whenever a Bill, or motion, was coming on. In this way we were able to secure a "House" at the evening sittings, and thus prevent a "count out." (b) The Committee prepared and issued draft petitions on the four chief measures before the House ; these were sent to all the trades' societies in the kingdom, whose address was at that date known, with full instructions as to the mode of petitioning, through the local members of Parliament. The Committee also urged that copies of all resolutions passed at public meetings be sent to the Government. Mr. Gladstone and Mr. Bruce must have had a large number of such resolutions. (c) The Committee also obtained returns of convictions under the Master and Servant Act, 1867, through Lord Elcho and Mr. Hinde Palmer, respectively ; and also of convictions under the Criminal Law Amendment Act, 1871, in order to be able to estimate the evil effects of those Acts.

17. (d) *Trade Union Literature.*—The publication of a series of tracts on the main questions affecting labour and Trade Unions, was started in 1873. First of all, Mr. Henry Crompton's very able paper on the Criminal Law Amendment Act was republished in pamphlet form. Then the Parliamentary Committee thought it desirable to issue other pamphlets. I was instructed to see Mr. Frederic Harrison on the subject, and to request him to prepare one on the Law of Contract, one on Conspiracy,

and one on the Criminal Law. These were issued as "Tracts for Trade Unionists," Nos. 1, 2 and 3. To the last was added by me, with the sanction of the Committee and Mr. Harrison, a reprint of the Criminal Law Amendment Act, 1871, Amendment Bill, as brought in by Mr. Mundella. No. 4 was a reprint, by permission, from "Hansard's Debates," of the whole of the debates on the Master and Servant Act, 1867, Conspiracy Laws, and Criminal Law Amendment Act, 1871. Those publications were sent to all members of Parliament, to the Press, and to the trade unions of the kingdom. Other publications were also issued, but these will be duly noticed in their proper place. It was a busy time for me, in that Session of 1873; for all the detail work fell upon my shoulders. The Glasgow Trades Council also published a series of tracts upon all the subjects mentioned, mostly written by Dr. Hunter, subsequently member of Parliament.

## CHAPTER XXX

### NATIONAL FEDERATION OF ASSOCIATED EMPLOYERS OF LABOUR

EVENTS crowded upon each other thick and fast in 1873, a year memorable in the annals of labour. Few of those who then took an active part in the campaign survive. One only, besides myself, remains of the Parliamentary Committee of that year, and he took practically no part, for he was a busy man, living, far away from London, in the provinces. In Parliament, only Lord James of Hereford and Sir William Vernon Harcourt remain, both true friends of labour, when friends in Parliament were comparatively few. Outside the House several survive, the more prominent being Mr. Frederic Harrison, Professor Beesly, Mr. Henry Crompton, Mr. Justice Wright, Mr. J. M. Ludlow, and Mr. Auberon Herbert, the latter then in the House of Commons, and ever a brave fighter. Of the chief officials of trade unions in that year, who took an active part in the struggle, only Mr. Robert Applegarth, of the Amalgamated Society of Carpenters and Joiners, Mr. Robert Knight, of the Boilermakers and Iron Shipbuilders, and George Shipton, all ex-officials, and Mr. T. Ashton, now remain. Some half a dozen others are still living, who gave general support to the Committee in their own localities, as officials and labour leaders, but were not otherwise engaged in the fight.

1. *Proposed Formation of Employers' Federation.*—As very few of the labour leaders of the present day, and

fewer still of the rank-and-file of trade unionists, know anything personally of the industrial period now under review—nearly thirty years ago—while to the general public of to-day its history is as a sealed book, the story of the rise and progress of the Employers' Federation may be of historic interest. Early in April, 1873, I heard of a project to establish a great federation of Employers' Associations, whose object was said to be to resist, by all lawful means, the demands of the workmen for the repeal of certain laws, and the amendment of others, deemed by them to be adverse to labour. A circular was sent out, dated April 25th, convening a conference of employers, at the Westminster Palace Hotel, on April 30th, at 2.30 p.m. Another circular, by another body, was issued on April 26th, urging the attendance at such conference of all employers in the cotton trades. The conveners of the conference were : (1) "The General Association of Master Engineers, Shipbuilders, Iron and Brass Founders," and (2) "The National Association of Factory Occupiers," respectively. I obtained copies of these circulars, and forthwith summoned the London members of the Parliamentary Committee to consider them, and to decide as to our course of action.

2. *The Circulars.*—The circulars were not identical, but were on the same lines. I will take No. 1 as the basis, and add anything of importance in No. 2, not in No. 1. The first states the Committee of Management of the General Association of Engineers, &c., had under consideration the notice of motion of Mr. Vernon Harcourt, on the notice paper of the House of Commons for May 2nd, as follows : "To call the attention, in connection with the recent conviction of the gas stokers, to the unsatisfactory state of the existing law of conspiracy, and also to the exceptional policy of the legislature which enforces the civil contract of service by criminal penalties." The circular adds : "The step about to be taken by Mr. Vernon Harcourt is but one of a series which the trade unionists have arranged to force upon the attention of Parliament during the present session." It goes on to say that trade unions had elected

a Parliamentary Committee, and officials, to carry on the agitation for securing certain objects named, as follows :—

3. *Trade Union Programme Set Forth :—*

1. The Repeal of the Criminal Law Amendment Act.
2. The Repeal of all Penal Laws especially affecting Workmen.
3. The Revision of the Common Law of Conspiracy.
4. The Complete Revision of the Master and Servant Act.
5. The Revision of the Jurisdiction of Justices of the Peace.
6. The Admission of Workmen to Discharge the Duties of Jurymen.

Circular No. 2 adds (I alter the numbers to follow the above) :—

7. The Promotion of the Payment of Wages Bill.
8. The Promotion of the Compensation to Workmen Bill.
9. The Promotion of the Factories Nine Hours' Bill.

The foregoing list is a fair and accurate statement of our objects, as formulated by the Trades Congress, and remitted to the Parliamentary Committee to obtain by united action, and sustained agitation, both in and out of Parliament.

4. *Objects of Employers' Federation.*—(a) The circular (No. 1) adds : “Under these circumstances the Iron Trades Employers' Association have called upon this Committee to take measures to resist the trade unionists in their attempts to efface from the Statute Book such laws as experience is daily showing to be of paramount importance for the safety of capital, the protection of labour, and the prosperity of the country.” The circular goes on to say that “the Committee are acting conjointly with other important organisations of employers in the cotton, flax, iron, coal, and building trades,” and they therefore “call a private meeting with a view to secure the assistance of members of Parliament, in protecting the enterprise of the country against the aggressive movements about to be made upon it.”

(b) Circular No 2, after setting forth the programme of the Trades Congress Parliamentary Committee, and adding

a paragraph from the Committee's circular, as to the national importance of the measures described, adds : " In the presence of such declarations as these, it appears to your Committee that the safety of capital, the protection of labour, and the prosperity of the country, alike call upon the leading employers to take council together." Other reasons are urged in favour of joint action at the conference to be convened. One association mentions that it represents employers of 7,000 workmen, the other of 250,000. The circulars state that " the conference is called irrespective of political party, in the interests of employers of labour."

5. *Action of Parliamentary Committee.*— Having obtained copies of those two circulars and of the resolutions proposed to be submitted to the conference, I addressed the following letter to the chairman of the meeting :

" SIR,—A copy of your resolutions having reached me, I felt bound to lay the same before my Committee. I am instructed to say that as we presume questions of the greatest importance are to be discussed, in which this Committee, equally with your own associations, feel the deepest interest, we hasten to inform you that our Committee will be willing to appoint a deputation to meet a deputation from your association to go over the several points named in your programme. I am desirous to say that we have ever held our conferences with open doors, as we have no interests above and beyond the general welfare and prosperity of the country. We also seek with you for ' the safety of capital, the protection of labour, and the prosperity of the country.' We further beg to say that we make no aggressive movement against the enterprise of the country.—Signed, GEORGE HOWELL (April 30, 1873)."

#### 6. *Employers' Reply to above Letter :—*

" SIR,—I have to acknowledge the receipt of your favour of this day's date (April 30th), which, I regret to say, was put into my hands in the middle of our proceedings, when it was impossible for us to deliberate upon the desire expressed in private. I will, however, take care to hand over your communication to our Secretary, who will, no doubt, place it before the Committee for consideration.—Signed, JOHN ROBINSON, Chairman of Conference of Employers."



7. *Mutual Attitude of the Two Bodies*.—"The National Federation of Associated Employers of Labour" was constituted at that conference, held at the Westminster Palace Hotel, on April 30, 1873, with Mr. John Robinson as chairman, and Mr. Henry Whitworth as secretary. The list of members of the council included the chief employers in the coal, iron and steel, textile, engineering, shipbuilding, boot and shoe, building, and various other trades. In wealth, influence, and representative character no such formidable organisation of capital had ever before been pitted against labour. Early in 1874 that powerful organisation started a weekly paper, ably conducted by Dr. Aubrey, the object of which was to oppose the workers in their demands for a revision of legislation and equality of treatment under the laws of the realm. We had open to us the *Beehive*, afterwards the *Industrial Review*, though not in the least under the control of the Parliamentary Committee, or even always friendly in its comments upon our action.

8. *Mutual Courtesies*.—Here let me add, in anticipation, that the courtesies exchanged between Mr. John Robinson and myself, in the letters given, were but the prelude to others throughout the long struggle. We exchanged publications. I sent everything we published to the officials of the Employers' Federation, and they sent theirs to me. My intercourse with Mr. Henry Whitworth and Dr. Aubrey was as cordial as it could be considering the nature of the battle waged and the conflicting interests of the forces arrayed against each other. This tribute is due from me, as historian, to my then opponents.

9. *Manifesto of Employers' Federation*.—The "Statement as to formation and objects" of "the National Federation of Associated Employers of Labour," which was the adopted title of the Association, and the rules by which it was governed, are too lengthy to be reprinted in full, but I will here summarise the important documents, so as to indicate fairly and clearly their character. I republished all the important documents of the Employers' Federation

at the time in a pamphlet, and sent copies to all the chief trade unions and to the Press. The Employers' Federation did the same with many of our reports and circulars, especially of our deputation to the Home Secretary on November 5, 1873. They had reproduced others of an earlier date, and generally in an impartial spirit, though they gave a colour to our objects, in their comments, to which we objected. Most likely we also attributed purposes to them which the employers denied.

10. *Statement of Objects*.—In the statement of objects, signed by the president, treasurer, and secretary, dated December 11, 1873, they say that the Federation “has been formed in consequence of the extraordinary development—oppressive action—far-reaching, but openly avowed designs—and elaborate organisation of trade unions. Its object is, by a defensive organisation of the employers of labour, to resist these designs so far as they are hostile to the interests of the employers, the freedom of the non-unionist operatives, and the well-being of the community.”

11. *Traae Union Officials—Charges*.—The statement goes on to speak of “the extent, compactness of organisation, large resources and great influence of trade unions,” and of the Annual Trades Congresses, “at which an increasing number of unions are represented each year.” It continues: “They have control of enormous funds, which they expend freely in furtherance of their objects, and the proportion of their earnings which the operatives devote to the service of their leaders is startling.” After quoting some figures (which are altogether misleading, as I shall show) it adds: “They have a well-paid and ample staff of leaders, most of them experienced in the conduct of strikes, many of them skilful as organisers, all forming a class apart, a profession, with interests distinct from, though not necessarily antagonistic to those of the work-people they lead; but from their very *raison d'être*, hostile to those of the employers and the rest of the community. Without disputes, whether as to rates of wages, the hours of work, the employment of non-union men, the mode of

calculating wages, the number of apprentices, or the materials worked—without aggressive schemes for the assumption of power, flattering to their followers—their influence would wane, their exchequer would languish, and their order would cease to exist as a power in the community.”

12. *Reply to the above Charges.*—The charges above set forth were quite unworthy of the able, experienced, and great employers who formed the Council of the Employers' Federation. Many of the statements were absolutely false, some were half-truths, which are the worst of lies, others were cruel calumnies against honourable men. Let us take them *seriatim*: (1) As to “control of enormous funds, which they expend freely.” The three societies named, as must have been known to the writer of the “statement,” expended the major portion of the *aggregates given* upon provident benefits—out-of-work, sickness, accident, old age pensions, and funerals. Take one example: the “statement” says that “the Amalgamated Society of Engineers” spent £109,809 in 1868 alone! Well, here are the payments out of that total: Donation benefit, out of work £64,979; sick benefit, £16,992; old age superannuation, £7,123; Accident benefit, £1,000; funeral benefit, £5,049; benevolent grants, £3,026: total £98,159; balance for all other purposes, £11,650. Out of the latter many hundreds of branch officers had to be paid, also rent of rooms, printing, stationery, postages, and all costs of the general office.

13. *Trade Union Officials' Salaries.*—(2) As regards the pay and character of the labour leaders referred to, the paragraphs in the “statement” were grossly inaccurate and unjust. Of all paid officials at that date, those of trade unions were notoriously underpaid. William Allan, the capable General Secretary of the Amalgamated Society of Engineers, was the highest paid official at that period, his salary being £208 per annum. The next highest rates were £156 per year. This was paid by several unions, but by none, except the engineers,

was a more liberal salary than £156 a year paid. Such modest rates might have been regarded as "well paid" by the writer of the "statement," but generally the pay was thought to be very inadequate, even mean, on the part of men fighting for higher wages.

14. *Costs to the Unions.*—(3) Personally, I was not concerned in this matter, as I was never a paid official in any trade union. I was, to some extent, concerned as secretary of the Parliamentary Committee, and therefore I here give the total expenditure for the years 1871, 1872, and 1873, to the date of the charge; prior to 1871 no costs were incurred. Three years: total income, £727 8s. 3d.; total expenditure, £611 3s. 6d.; balance handed over to Congress, January, 1874, £116 4s. 9d. Three years' salaries, clerical work, rent, fuel, gas, &c., amounted to £230 17s.; committees, £89 10s. 9d.; printing, £141 18s. 8d.; postages, &c., £95 11s.; Parliamentary Papers, £20 5s. 11d.; Advertisements and miscellaneous, £31 14s. 8d.—aggregates, in all instances, for three years.

15. *Other Charges.*—(4) The charges against the labour leaders and trade union officials were more serious still, but in general terms. They were "a class apart, with interests distinct from those they lead; . . . they are incessantly engaged in keeping the relations between employers and employed in a state of irritation and hostility, and in fomenting dissatisfaction with all the laws," &c. Those charges were untrue. They cannot be applied to the chief labour leaders and officials of that day, the men mostly foremost in the agitation which the Employers' Federation was formed to crush, such men as William Allan, Daniel Guile, Robert Applegarth, John Kane, Alexander Macdonald, George Odger, George Shipton, Robert Knight, and others then prominent in the labour movement.

16. *A Modicum of Praise.*—Mingled with such charges as have been adverted to, the "statement" paid us compliments as to ability, influence with ministers, members of Parliament, with the public, in the Press, &c.;

gave us credit for "energy and devotion"; "high qualities of foresight, generalship, and present self-sacrifice for the sake of future advantage," &c. But the notion was that we were a self-seeking lot; that personal gain, or ambition, governed all our actions. Such was the position of the two contending parties, the attitude of the Employers' Federation towards the workmen's representatives, when the Employers' Federation put forth its manifesto.

17. *Literary Helpers.*—There is no need to deal further, in detail, with the employers' statement. It quotes extracts from the *Beehive* newspaper in support of the views therein expressed. But newspaper articles are not to be taken too seriously. They are, after all, but the utterances of one man, and that man often not the best informed upon the subject on which he writes. In the quotations given, however, there is little to complain of, though the Employers' Federation thought that the lessons conveyed were hostile to them. Reference is made to the "cases," "pamphlets," "report," "speeches," and "newspaper articles" prepared by me, and published by the authority of the Parliamentary Committee, and of the intention of the Federation to reply to such; and also to the writings of such men as Messrs. Hughes, Harrison, Crompton, Beesly, and others, in support of Labour's plea for just and equal laws. This gem I may quote: "They have, through their command of money (!), the imposing aspect of their organisation; and partly, also, from the mistaken humanitarian aspirations of a certain number of literary men of good standing, a large array of literary talent, which is *prompt* in their service on all occasions of controversy. They have their own press as a field for these exertions. Their writers have free access to some of the leading London journals." It would be a pity for the above delicious morsel to be doomed to oblivion.

18. *Rules of Employers' Federation.*—The rules were drafted with the view of governing a permanent body, and were expressed in clear and concise language, the

objects being of a moderate character, thus : "To promote and maintain such relations between Capital and Labour as will secure perfect freedom for both." The contributions were levied at the rate of 5s. per £100 of the average wages paid weekly, with an entrance fee of 5s. on the same basis. Provision was made for the resignation of members or firms, and for expulsion, if deemed to be necessary. There was nothing to condemn, or even to adversely criticise in the constitution and rules of the Employers' Federation, the whole being in good taste and tone, as compared with the statement of objects, &c.

19. *Memorial to the Home Secretary.*—The memorial of the Employers' Federation to the Home Secretary is a very long document, covering some ten or twelve large 8vo pages. It traverses the whole of the memorial presented by the Parliamentary Committee, and the remarks made by the deputation which presented it. It quotes provisions in Acts of Parliament, cases decided by the Courts, paragraphs from reports of Royal Commissions, speeches by Messrs. Bryce, Hughes, Odger, Howell, and others, and also various passages in our reports. Generally the memorial opposed interference with the laws as they stood, relating to conspiracy, Master and Servant, the Criminal Law Amendment Act, and other statutes.

20. *Mr. Crompton's Reply to Employers' Memorial.*—The Employers' Memorial was evidently prepared by an acute lawyer, one probably not much in sympathy with the workmen's demands. The Parliamentary Committee therefore requested Mr. Henry Crompton to prepare a report thereon, to be presented to the Trades Congress, to be held in Sheffield in January, 1874. Mr. Crompton consented, and his report, together with letters from the *Times* newspaper, by Mr. R. Raynsford Jackson, the chairman of the Executive Committee of the Federation of Employers, and by Mr. Crompton in reply thereto, was published by me, as "Tracts for Trade Unionists.—No. IV.," printed "by order of the Sheffield Trades

Union Congress, by the Parliamentary Committee." The pamphlet is too long even to be summarised here, consisting as it does of twenty-two pages of closely printed matter. The most that I can venture to do, is to indicate its character and tone.

21. Mr. Crompton begins by indicating what, in general terms, the memorial of the employers consisted of, and contended for, and its limitations to, chiefly, the Criminal Law Amendment Act, the Master and Servant Act, and the Law of Conspiracy. It dealt largely with the law as it stood prior to the appointment of the Royal Commission on trade unions, and certain judicial decisions. But he reminds the memorialists that "some of the most important judicial decisions, like that of Vice-Chancellor Malins, which brought matters to a climax, and that of Mr. Justice Lush, which declared picketing to be perfectly legal," were omitted. He also refers to the action in the House of Commons of Mr. Russell Gurney, Recorder of London, and to the declaration of Mr. Bruce as to the effect of the Lords' amendment to the Act of 1871.

22. *His Final Judgment.*—Mr. Crompton said of the memorial that "the quotations made, chiefly Parliamentary, not judicial, are so one-sided as entirely to negative the claim of employers to an impartial, or to use their own word, to an 'imperial' treatment of these questions. There is not a single allusion from first to last to the wrong and unjust convictions that have occurred. They do not say whether they approve or disapprove of such convictions as that of Turk at Hammersmith. They preserve a complete silence. They do not even attempt to deal with the facts which have been proved to exist." After an able and exhaustive reply to all the legal and technical points, he adds: "Such is the memorial of the Federation of Employers. It can have no prejudicial effect upon the cause we have at heart. It is too feeble, too one-sided, too ignorant of the principles and practice of the Criminal Law." This was Mr. Crompton's final judgment upon the Memorial.

23. *Organised Capital and Labour Face to Face.*—The preceding pages in this chapter indicate the position in 1873, and thenceforward, until the Labour Laws were passed in 1875. The two parties, representing capital and labour respectively, were face to face. Never before, no, nor since, were employers of labour in all the great industries so well organised, so united, so powerful in wealth, influence, and numbers, as then. It was not merely an organisation to resist advances in wages, reductions in the hours of labour, or other labour movements; but a combination to impede, frustrate, and obstruct progressive legislation in favour of equal rights, just laws, and the impartial administration of law in courts of justice. Of course they did not so regard their action. They believed that we wanted other things unjustifiable in character and injurious to trade. As the sequel will show, we won; not because of our superior organisation, or numbers, or resources, but because we convinced the legislature that our demands were just and right. It was a long and tough struggle, but it ended without bitterness eventually. The forces arrayed against each other did in reality represent employers of labour on the one hand, and on the other the great mass of the workmen, though the battle was waged collectively by trade unions alone, their chosen leaders voicing the demands of the entire body.



## CHAPTER XXXI

### MINISTERIAL CHANGES—FRESH CONVERTS—NEW DEPARTURES

THE ministerial crisis in 1873 indicated not only rifts in the Cabinet, but also the probable break-up of Mr. Gladstone's Government at an early date. Their labour policy, if they had one, was regarded with disfavour by employers and denounced by workmen. It was well known that dissensions existed in the Cabinet; rumour attributed these to various causes, one of which was the labour question. This was true, but to what extent was then unknown. That it affected the situation is shown by what followed at an early date. I learned some of the facts at the time from two Cabinet ministers, and from one other holding a high appointment in the Government, though not in the Cabinet. In all essentials they agreed.

1. *Ministerial Changes.*—Mr. Bruce was made a peer, as Lord Aberdare. Upon his retirement from the Home Office Mr. Robert Lowe became Home Secretary in his place. Sir George Jessel became Master of the Rolls, and Mr. Henry James was appointed Solicitor-General. Later on Sir John Coleridge became Lord Chief Justice, when Sir Henry James was made Attorney-General; and subsequently Mr. Harcourt became Solicitor-General, and Sir William Harcourt. Some other official changes were made which we need not deal with. The labour leaders regarded the promotion of Sir Henry James and Sir William Harcourt to the position of Law Officers of the

Crown as a distinct gain to the cause of labour. As regards Mr. Lowe we had at first some misgivings, for we still remembered his opposition to enfranchisement, when Mr. Gladstone introduced his Reform Bill in 1866.

2. *Correspondence with Mr. Gladstone.*—In consequence of the unsatisfactory character of Mr. Bruce's reply to the deputation of members of the Trades Congress Parliamentary Committee, and other representatives of trade unions, on June 13, 1873, the above Committee instructed me to write personally to Mr. Gladstone and ask him to receive a deputation about the middle of July, with reference to "(1) The Criminal Law Amendment Act, 1871; (2) The Master and Servant Act, 1867, especially the 14th section; (3) The Conspiracy Laws, as recently put in force against combinations of workmen; (4) The Compensation to Workmen Bill; and (5) The Payment of Wages Bill," the three first especially.

3. *Mr. Gladstone's Reply.*—My letter was dated June 18, 1873. On July 1st I received the following reply:—

"DEAR SIR,—The three questions on which you desire to see me are of great importance, some of them of considerable complication, involving legal points of great nicety, and none of them are under my immediate management. A conversation with me upon them would at this stage be unprofitable, for I should not be able adequately to discuss your views and those of the Committee on behalf of which you write. But if you will kindly furnish me with the several propositions which you urge, I will communicate upon them with those members of the Government who are specially competent and concerned, and afterwards further with yourself should there be occasion.

"I remain, dear sir, your faithful servant,

"W. E. GLADSTONE.

"MR. G. HOWELL."

4. *Reply to Mr. Gladstone: Statement of "Propositions."*—After consultation with my Committee, I replied in

detail to Mr. Gladstone's letter as desired by him. After expressing regret at not being granted a personal interview, at which "many points could be put and answered in conversation with much more ease and more fully than in a letter," I proceeded to say (1) that "the Criminal Law Amendment Act had been condemned by the Trades Union Congress, and by working men generally at public meetings held in all parts of the country." "Repressive and coercive measures to be applied to one class only of the community, namely, the industrial class," I condemned, and added: "The only case made out for this Act was what had occurred at Sheffield. These we all condemned, and we were the first to demand official investigation with regard to them. If it be necessary that some provision other than the ordinary Statute Criminal Law of the land should be made for rattening, such provisions could well be made in the Malicious Injury to Property Act, 24 & 25 Vict., c. 97, which Act is general and not special."

5. *Coercion Condemned*.—"The same will apply to all cases of positive coercion. This Committee condemn all kinds of coercion and intimidation; and those cases not met by the ordinary law of assault could well be met by the Offences against the Person Act, 24 & 25 Vict., c. 100." It is well to remember that the declaration in the above sentence against coercion and intimidation was expressly endorsed by the Parliamentary Committee and by the Sheffield Trades Congress. It was contended that "picketing was not unlawful, and should not be made illegal. Picketing does not imply coercion or force of any kind, much less intimidation. There is not a trade society in the kingdom which in any way sanctions overt acts. We desire to act within the law, but we do expect the law to be just and impartial."

6. *Conspiracy Laws*.—As regards the Conspiracy Laws the letter expressed satisfaction "with the Bill of Mr. Vernon Harcourt," at the same time adding that the impression of the Committee was that the Government intended to prevent prosecutions for conspiracy by the

clauses inserted in both the Trade Union Act, 1871, and the Criminal Law Amendment Act, 1871.<sup>1</sup> That, indeed, was our impression, and in our interviews with Mr. Bruce and other members of the Government and with members of the House of Commons, we understood that the Government had so intended. If we were deluded, it was *because we were too trustful in promises of statesmen and politicians.*

7. *Contract of Service.*—With respect to the Master and Servant Act, 1867, the Committee had limited themselves to the repeal of § 14. The desire was that breaches of contract between employers and workmen should be treated as civil offences, as in all other cases. The letter went on to say that the Committee would have desired to say a word in favour of passing a Compensation for Injuries Act, as was promised by the President of the Board of Trade, and of the Payment of Wages Bill. It concluded by thanking Mr. Gladstone for his letter, and expressing a hope that some measure would be passed for securing the objects stated.

8. *Mr. Gladstone's Reply.*—Mr. Gladstone's private secretary said: "Mr. Gladstone desires me to acknowledge the receipt of your letter of the 15th instant (July, 1873), and of the enclosed communication. In accordance with the undertaking given by Mr. Gladstone, in his letter of the 1st instant, he will proceed to communicate the views of the Committee to such of his colleagues in Her Majesty's Government as are specially competent and concerned in these matters."—Signed, J. A. GODLEY, dated July 16th. G. HOWELL, Esq. It will be seen that we made no progress by this correspondence. But we had placed our case before Mr. Gladstone personally,

<sup>1</sup> For criminal conspiracies in connection with labour combinations of workmen, trade unions, &c., see "The Law of Criminal Conspiracies and Agreements," by R. S. Wright, 1873, Section II., §§ 12, 13, and 14 especially. In this valuable work will be found the several cases which had been before the courts up to that date, all of which, except that of Bunn (Gas Stoker's Case, 1872), were anterior to the Trade Union Act, 1871. Some of those cases were referred to in the Report on the Labour Laws, 1875.

and we knew this much of him, that he would not pass the matter idly by. As Prime Minister he could not ignore the subject.

9. *Mr. Lowe as Home Secretary.*—Almost immediately after the appointment of Mr. Robert Lowe as Home Secretary, I had occasion to address a letter to him (dated August 20, 1873) calling his attention to a defect in the Trade Union Act, 1871, § 12. It provided that if any officer or other member withheld or appropriated any funds or documents, “the court of summary jurisdiction for the place in which the registered office of the trade union is situate,” &c., may order such officer or member to deliver up the same. It was pointed out that it had already been ruled that the summons must be taken out and heard, in the place where the registered office was situate. Thus, if a member of the Engineers’ Society committed an offence in Carlisle, he would have to be summoned to appear at Southwark, in which, at that date, the chief office was situate. Mr. Lowe was reminded that the Secretary of State had power to make regulations generally for carrying the Act into effect. In a letter, dated August 23rd, Mr. Lowe, through Mr. A. J. O. Liddell, acknowledged the receipt of my letter, and promised that it should have his consideration. In a further letter, dated October 3rd, through Mr. Henry Winterbotham, Mr. Lowe informed me that the section complained of was taken from § 24 of the Friendly Societies’ Act (18 & 19 Vict., c. 63). He acknowledged the difficulty, and promised “to concur in remedying it.”

10. *Suggested Deputation to Mr. Lowe.*—On October 28th I addressed a further letter to Mr. Lowe, in which I mentioned that several cases had occurred in which defaulters had been allowed to go free, in consequence of the difficulties in the way of prosecution, under § 12 of the Act, and I suggested a way in which the Home Office could remedy the defect by “regulation,” in conformity with the provision in § 7 of the Trade Union Act. On the following day, October 29th, Mr. Thomas Hughes called upon me and suggested that I should ask Mr.

Lowe to receive a deputation on the subject of the Labour Laws generally. I demurred, unless I was assured that Mr. Lowe would consent. Mr. Hughes said, "I think it is all right ; but go down to the Home Office, and see Lord Edmond Fitzmaurice." In full reliance upon what Mr. Hughes said, I went. I saw Lord Edmond Fitzmaurice at the Home Office, with the result that, then and there, I wrote a short letter asking Mr. Lowe to receive a deputation on the subject of "the Laws of Conspiracy, the Master and Servant Act, the Criminal Law Amendment Act, and the defect in the Trade Union Act, to which I have already called your attention." This letter was taken to Mr. Lowe, and his assent was at once given. His formal consent was given in a letter dated November 1st, when he appointed November 5th, at 4 p.m., to receive a deputation of about "six or eight persons."

11. *Deputation to Mr. Lowe.*—On the same date, I wrote thanking Mr. Lowe, through Lord Edmond Fitzmaurice, in which I said : "The members of our Committee who will attend the deputation will be five, viz., Mr. Alex. Macdonald, chairman ; Mr. Daniel Guile, vice-chairman ; Mr. William Allan, treasurer ; myself, as secretary ; and Mr. George Odger, a London member of the Committee. In addition to these we sincerely hope that the Home Secretary will not object to our inviting Mr. Thomas Hughes, M.P., who will introduce the deputation ; Mr. Vernon Harcourt, M.P., who took charge of our Conspiracy Bill in the House of Commons ; Mr. Mundella, M.P., who took charge of the Bill to repeal the Criminal Law Amendment Act ; Mr. Hinde Palmer, M.P., and Mr. Frederic Harrison." I asked for the presence of these gentlemen because, "in all probability, several legal points of great nicety will be raised, and it will be of great service to us to have their valuable knowledge and aid at such an important interview." I also asked that we might have a reporter present. Mr. Lowe assented to the increase in the number of the deputation, in a letter by Lord Edmond

Fitzmaurice, dated November 3rd, and also to there being a reporter—further he assented to press reporters being present. This letter was sent by special messenger, as was my reply of thanks, on the same date, for the time was pressing, and much had to be done.

12. *The Interview*.—At the suggestion of Lord Edmond Fitzmaurice, I had supplied Mr. Lowe with what lawyers would call a brief. I made it as full, yet concise, as I could. Every point was clearly put, with our reasons for the changes in the law which we desired. It was a matter of surprise to the deputation that Mr. Lowe had such a grasp of the whole question in all its aspects. The above is the reason. Mr. Lowe had evinced a sympathetic desire to understand the questions at issue; we had nothing to hide; knowledge was wanted, for we were convinced that our demands were just.

13. *The Deputation: Mr. Hughes, M.P.*—Mr. Vernon Harcourt was not present, owing to circumstances. Sir Henry James was already a Law Officer of the Crown, and Mr. Harcourt was expected to be appointed the other at an early date. Mr. Henry Crompton attended in the place of Mr. Frederic Harrison. According to the official report, Mr. Hughes, who introduced the deputation, said “that, as regards recent legislation, as interpreted by judges in the superior courts and by police magistrates, things were in a very unsatisfactory state.” He went on to state that all that was wanted was that the law, in all cases, should be general, just, and fair. That the punishment for offences should be the same for all classes of citizens for the same offence. There should be equal laws, and no special penalties.

14. *Mr. Howell's Statement of Case*.—Mr. Hughes then called upon “Mr. George Howell, the secretary of the Committee, to state their own case.” Mr. Howell, after some preliminary remarks, said, “We are anxious at the outset to state that we do not, and never did, countenance or excuse acts of violence to persons, or injury of any kind to property, by whomsoever committed. We ask no exceptions in legislation from that applying to any

other citizen, but we do ask to be placed on an equality. We simply urge such amendments in the law as we feel are quite in accordance with the whole tone and tenor of modern legislation, and especially of such legislation as has been attempted, and in many instances carried by the present Government." He then went *seriatim* over the several matters mentioned in arranging the deputation, viz. : (1) The Trade Union Act, 1871, § 12, as regards defaulting officers, &c. ; (2) The Criminal Law Amendment Act, 1871, urging its repeal ; (3) The Conspiracy Laws, in support of Mr. Vernon Harcourt's Bill ; (4) The Master and Servant Act, especially § 14.

15. *Messrs. Macdonald, Guile, and Odger.*—Mr. Alex. Macdonald addressed the Home Secretary on the subject of the Master and Servant Act, 1867, condemning the penal character of some of its sections, and generally the way in which the Act was administered. Mr. Guile dealt with the subject of "Picketing," and Mr. Odger on the subject of "Intimidation."

16. *Messrs. Mundella and Palmer.*—Mr. Mundella addressed the Home Secretary on the subject of the Criminal Law Amendment Act, 1871, citing cases and making observations thereon, and Mr. Hinde Palmer on the inequalities of its operation bearing heavily on workmen, and not in any way touching employers. Mr. Lowe made the interview a conversational one, informal, as compared with most deputations ; he asking questions always relevant and pertinent to the subject, to which the speakers severally replied.

17. *Mr. Lowe's Reply.*—Mr. Lowe, in reply, said, "I have listened with great interest, and with great profit, I hope, to your observations, and I must express my thanks to you for the clearness with which you have stated your case. I can assure you that this subject has engaged my very serious attention, and will continue to do so. The subjects you have brought before me are well worthy of the attention of the Government ; and I will carefully consider, to the best of my ability, the statements you have made to-day, and hope to come to some con-



clusion which may be satisfactory to the interests concerned. At present I am not able to say more to you than that I will take the matter into careful consideration." Mr. Hughes thanked the Home Secretary "for his courtesy and attention, and the deputation retired."

18. *Impressions respecting the Interview.*—The feeling with respect to the interview with Mr. Lowe was decidedly favourable among those who formed the deputation. That feeling was shared by the Parliamentary Committee when the proceedings were reported to them, and also by the officials of trade unions, when the printed report was circulated amongst them. There was in the minds of those of us who had been in close contact with the two Home Secretaries, a comparison, a contrast. Mr. Bruce was kind-hearted, and also sympathetic, when in personal contact ; but he was weak as a Minister. He wavered, not to say wobbled—was not always consistent. Mr. Lowe had, perhaps, less of personal sympathy in his nature, but he knew his own mind and was not to be deterred when he had come to a decision. During the few months that he had been at the Home Office he had gone into and fully mastered the whole question of the Labour Laws as then discussed, and knew the demands of the labour leaders and their friends in relation thereto. He had become familiar with the "cases" submitted to Mr. Bruce, and had evidently taken pains to obtain a clear view of the legal aspects and bearings of the several decisions by judges and magistrates, to which reference had been made by representatives of the workmen, in deputations to Ministers, in reports, and in the newspaper press.

## CHAPTER XXXII

### CHANGED CONDITIONS — EMPLOYERS' FEDERATION — SHEFFIELD TRADES CONGRESS

**M**R. LOWE succeeded Mr. Bruce as Home Secretary on August 8th. Mr. Henry James, Q.C., was gazetted Solicitor-General on September 26th. On November 15th Sir Henry James became Attorney-General, and Mr. Vernon Harcourt succeeded him as Solicitor-General. The two latter gentlemen had identified themselves with the labour cause in the House of Commons prior to their appointment, and Mr. Lowe evinced a kindly interest in the subject soon after his appointment.

1. *Press Comments and Public Opinion.*—The 'newspaper press, as a general rule, was not favourable to the workmen's demands. The appointment of the new Law Officers of the Crown indicated a change of policy ; the attitude of the new Home Secretary seemed to confirm it. The Press, the public, and the Employers' Federation took this view, and wrote and spoke accordingly. *The Globe*, on November 6, 1873, supported the workmen's view as regards the amendment of the Trade Union Act, § 12, but ignored all the other questions submitted to the Government. *The Evening Standard* of the same date sneeringly referred to the deputation, tried to belittle the labour leaders, and predicted that no Act would be repealed such as those referred to by the deputation. Within two years of that date the Acts adverted to were

repealed, and that, too, by the Tory Party. Circumstances alter cases.

2. *The Employers' Federation*.—The reports of the deputation to Mr. Lowe, together with the recent changes in the Government of Mr. Gladstone, had a disturbing effect upon the Employers' Federation. That body reprinted our report of that deputation, and circulated it among its members. The memorial of the employers, to which allusion has been made, was prepared in reply thereto. Then Mr. Lowe, the new Home Secretary, was requested to receive a deputation from the federated employers, to which he consented. The interview took place on December 13, 1873, but, as it was private, no reports of it appeared until February 25, 1874, when a condensed report appeared in *Capital and Labour*, the organ of the Employers' Federation. An abstract of the memorial was given in the same journal on March 4th.

3. *Employers' Deputation*.—The employers' deputation was a large and influential one, representing numerous and vast industries, in which were employed many thousands of workpeople and enormous capital. The speakers included Mr. John Robinson, President of the Federation, who criticised the speeches of Mr. Thomas Hughes, M.P., Mr. George Howell, Mr. Alex. Madonald, and Mr. Daniel Guile. Mr. Robinson contended that no case had been made out for the repeal or amendment of any of the Acts complained of. Mr. R. Raynsford Jackson, Chairman of the Executive Committee, spoke especially against picketing; he contended that the object in getting rid of the Criminal Law Amendment Act was to enable union men to tyrannise over non-union men. Referring to Mr. Odger's remarks as to employers using coercion, Mr. Jackson denied it. Mr. Bower, of Liverpool, and Mr. Morris, of Halifax, expressed similar views. Mr. Marshall, of Leeds, argued against the repeal of § 14 of the Master and Servant Act, as he deemed imprisonment for workmen a necessity under the circumstances. Sir Thomas Bazley, M.P., Man-

chester, and Mr. Edmund Potter, M.P., Carlisle, introduced the deputation.

4. *Mr. Lowe's Reply*.—Mr. Lowe's reply was to the effect that he had not committed himself to the workmen's view at their deputation, and he was not going to commit himself now. He promised to carefully consider their memorial and the views expressed, and to hold the balance evenly as between the two parties. The attitude of the employers, as expressed in their memorial, and in the speeches at the deputation, was that of no surrender. They contended for the *status quo*. There was no need for the repeal of Acts, no need for amendment; they were equitable and fair as they were. Employers could be reached by litigation; workmen could only be reached by imprisonment. This was the gist of the contention, though the summary here given is extremely brief. The "statement," the "memorial," and the speeches were on the same lines.

5. *The Parliamentary Committee's Report*.—It was my duty to prepare the Committee's report to Congress for the year 1873. In the introductory remarks reference is made to the rapid growth and development of trade unionism in almost every branch of trade, and especially in branches of industry hitherto badly organised. With an increase of members there was a corresponding increase in funds. Wages had been advanced, and the hours of labour reduced. While congratulating Congress upon the progress made, the Committee counselled "moderation and prudence in all movements." This, they said, was particularly desirable because they had "continually to contend with misrepresentations in the Press, and on the platform, but the Committee had, on the whole, held their own by setting right those who were uninformed and resenting and exposing the calumnies of the unscrupulous."

6. *Points in the Report*.—The report then treated in detail the various subjects which have already been dealt with, each under its proper head, as follows: (1) The Criminal Law Amendment Act, 1871; (2) The Master

and Servant Act, 1867 ; (3) The Laws of Conspiracy ; (4) The Trade Union Act, 1871 ; (5) The Compensation to Workmen Bill ; (6) Payment of Wages (Truck) Bill ; (7) Factories Nine Hours' Bill ; (8) Deputation to Mr. Lowe ; (9) Publications—"Tracts for Trade Unionists" ; (10) The Federation of Employers ; (11) Petitions to Parliament ; (12) Parliamentary Returns ; (13) Whips to Members of Parliament.

7. *Jury Laws : Jurisdiction of Magistrates.*—Two other subjects were reported upon : (a) The Juries' Bill, 1873. The Government Bill for the reform of the Jury Laws was carefully considered by the Parliamentary Committee as soon as issued, and it was by them strongly condemned. The Committee thereupon instructed me to prepare a petition against it, which petition was signed by the whole of the Committee. Mr. J. Hinde Palmer consented to present the petition, which he did, calling the attention of the House to the views therein expressed. The Bill was not proceeded with, being among "the slaughtered innocents," at the end of the Session. The report says : "Your Committee trust that no attempt to alter our system of trial by jury will be permitted, except to lower the qualification so as to enable workmen to discharge the duties of jurymen." (b) The other subject was the summary jurisdiction of magistrates. A motion for inquiry by Mr. Auberon Herbert was unsuccessful. On this subject the report says : "The sentence upon the wives of the agricultural labourers at Chipping Norton, for alleged intimidation, brought the question before the public, and your Committee hope that strenuous efforts will be made to effect a reform in the mode of appointment and removal of the unpaid magistracy of the kingdom, and especially with a view to the appointment of stipendiaries in all parts of the country."

8. *Standing Orders for Congress.*—The Committee presented to Congress, as part of their report, a revised code of Standing Orders, for the government of its sittings and proceedings. These consisted of 32 Orders, but as

two, 17 and 28, were nearly identical, the former was starred to be omitted in favour of the latter. Those Standing Orders continued to govern Congress for a period of a quarter of a century, with very little change in form, and without enlargement.

9. *Questions for Candidates*.—Inasmuch as it was thought probable that a General Election was not far distant, it was deemed advisable to prepare a list of questions to be put locally to any candidate who aspired to Parliamentary honours. These consisted of ten, nine as enumerated in the Parliamentary Report, and as to a Merchant Shipping Bill for the protection of seamen. Electors were urged to press those questions, irrespective of political differences, and to exact pledges. The circular says: "Let there be no equivocation; plain and straightforward replies should in every case be insisted upon, and exacted, before support be given to or promised to any candidate." The working classes were urged to support men of their own class, if able and efficient, wherever such were selected as candidates in any constituency, and to strive to place them at the head of the poll. It was no longer a question of political parties, but justice to labour, which inspired those questions.

10. *Parliamentary Programme for 1874*.—The Committee concluded with a programme which they submitted to Congress for its approval. It consisted of the following items:—

- (1) Repeal of the Criminal Law Amendment Act, 1871.
- (2) Alteration of the Master and Servant Act, so that breach of contract shall not be a criminal offence.
- (3) Alteration of the Law of Conspiracy, in accordance with the Bill introduced last Session by the present Solicitor-General.
- (4) Reconstruction of the Small Penalties Act, on the principle that imprisonment shall only be used as a method of enforcing payment after failure of all other means, and as a last resort.
- (5) Question of limit of summary jurisdiction of magistrates, which deprives citizens of the right of trial by jury.
- (6) Inquiry by Royal Commission as to laws and procedure relating to summary jurisdiction; as to how the law has been administered by magistrates, and as to the mode of appointment and removal.
- (7) Reduction of qualification of jurymen to admit workmen.

- (8) A Compensation for Injuries to Workmen Bill.
- (9) A Factory Nine Hours' Bill for women and children.
- (10) An Act to prevent Truck, by weekly payment of wages.
- (11) A Merchant Shipping Act, to prevent loss of life at sea.

11. *Sixth Trades Union Congress, Sheffield.*—The Sixth Trades' Congress met in Sheffield on January 12, 1874, and continued its sittings until the 17th, the whole week, as usual. Mr. Alex. Macdonald, as chairman of the Parliamentary Committee, formally opened the Congress. Mr. George Howell then read the Parliamentary Committee's Report, the essence of which has been already given in the preceding pages. He also read the financial report and balance sheet, from which it appears that the total income for the year 1873, including balance from last Congress, was £543 18s. 6d. The expenditure amounted to £393 19s. 4d.; balance in hand for 1874, £149 19s. 2d. Of the total expenditure, printing, stationery, Parliamentary Papers, and reporting cost £132 19s. 2d.; postages and parcels, £67 13s. 2d. The cost of printing and circulating the "Tracts for Trade Unionists," and other papers and reports, is included in the above two amounts. Committee meetings and delegations cost £60 1s. 6d., advertisements £15, office rent, gas, fuel, salaries, and clerical work, £118 5s. 6d. On Tuesday morning, January 13th, the president delivered his address. Mr. A. J. Mundella, M.P., Mr. Samuel Plimsoll, M.P., Professor Goldwin Smith, Mr. Frederic Harrison, Mr. Henry Crompton, and Mr. Lloyd Jones were present at the meeting, each receiving a cordial welcome from the delegates. Several local gentlemen were also present.

12. *Reports and Speeches.*—The Parliamentary Committee's report was adopted, as was also the auditors' report. A vote of thanks to the Parliamentary Committee for their arduous work in 1873 was carried unanimously. Mr. Henry Crompton then read his paper on the Memorial of the National Federation of Employers, a summary of which has been given. Mr. Crompton was heartily thanked for his paper, which the

Congress resolved to print and distribute to the trades. Mr. Mundella addressed the Congress upon the Criminal Law Amendment Act, and gave some interesting facts as to the way in which his Bill was received by certain members of the House of Commons. Professor Goldwin Smith, Mr. Frederic Harrison, and others addressed the Congress.

13. *Resolves of Congress.*—The programme of the Parliamentary Committee, after each item being discussed in detail, was adopted, the only divergence of opinion being as to the wording of some of the resolutions, some of which were thought to be too mild by not a few of the delegates. On the subject of the Factories Nine Hours' Bill, a resolution was passed in strong condemnation of Mrs. Fawcett's letter in the *Times* of June 8, 1873, and repudiating the statements therein made. The respective positions of shop assistants, and of postal employees, were considered, and resolutions were passed in favour of measures on their behalf. It was also resolved to promote and support labour representation in Parliament, and a federation of the trades.

14. *The New Parliamentary Committee.*—As the work of the Parliamentary Committee had become important, and some honour being thought to attach to the position, there were twenty-two nominations for the eleven seats. Messrs. Howell, Odger, Macdonald, Guile and Allan were re-elected, in the order given, according to the highest votes. Mr. Joseph Arch and Mr. H. Broadhurst were for the first time elected on the Committee; Messrs. Kane (Darlington) and Owen (Hanley) were defeated. Liverpool was selected as the town in which to hold the next Congress, Glasgow, Hanley, Newcastle, and Oldham being competitors.

15. *General Resolutions and Special Instructions.*—Numerous resolutions were carried relating to subjects other than those given in the Congress Parliamentary programme, but the only new subject added was a resolution in favour of the promotion of technical education. Apprentices, overtime, piecework, co-operation, industrial partnerships,



arbitration, convict labour, international arbitration, and some other questions were discussed, and resolutions thereon carried. The Congress specially instructed the Parliamentary Committee to support Mr. Plimsoll in his efforts to ensure the safety and promote the welfare of the seafaring class. The hon. member was welcomed at the Congress with loud and prolonged cheers. By that time he and his work were well known throughout the country; his book, "Our Seamen," had been placed in the hands of most of the delegates.

16. *Review of the Situation.*—The Sheffield Trades Congress had ended, its proceedings were matters of history. It was nearing the end of January, 1874. The position had not changed. The programme of the Parliamentary Committee had been endorsed and adopted without alteration, except that some of the resolutions carried were expressed in stronger terms than the Committee had suggested, so as to emphasise the feelings of the delegates, and thereby impress more strongly members of Parliament and those who opposed the several items in the programme. It was a public expression of their earnestness. A strongly worded resolution to many delegates represented their concentrated decision in the only forceful way possible; if the terms are mild they think it trimming. It is well known that hard words break no bones; but they sometimes sink deep and leave a wound.<sup>1</sup> The Parliamentary Committee were content to express their views in careful, measured language, knowing that they had to meet in stern fight the opponents of their measures. The accentuation of their views in bolder language was an evidence of the deep feelings evoked by recent prosecutions and sentences, and served to voice the wide discontent of the working classes. It served to show also, that the charge that the labour leaders had not correctly represented the feelings of the mass, was not

<sup>1</sup> Much harm is often done by strongly worded resolutions and use of violent language in labour disputes. The officials of unions have to meet the employers, and violent expressions cause irritation and resentment.

true, except in this sense—that they had been too mild in their denunciations of a policy which still regarded labour as a thing to be repressed or regulated on the “good old” lines of the combination laws of fifty years before.

## CHAPTER XXXIII

### DISSOLUTION OF PARLIAMENT—GENERAL ELECTION— CHANGE OF MINISTRY

AFTER the election of the new Parliamentary Committee, we held a formal meeting, elected officers, and discussed methods of procedure for the coming session. Being re-elected secretary, I was instructed to take such steps as I deemed advisable for ensuring that the several measures named in our programme should be introduced into or be brought before the House of Commons. On my return to London I set about planning our campaign. I was busily engaged thus when "a bolt from the blue" disarranged everything, upset all our plans, and caused no end of perturbation.

1. *Dissolution of Parliament.*—On Friday, January 23, 1874, a dissolution of Parliament was agreed upon by the Cabinet, and Mr. Gladstone forthwith issued his manifesto—"An address to the Electors of Greenwich." The announcement and publication of Mr. Gladstone's address in the newspapers on Saturday, January 24th, caused a stampede of members and candidates to the constituencies to write election addresses and prepare for the contest. I had to rush to Aylesbury, where I was expected to fight like other pledged candidates. But I had other duties as secretary of the Parliamentary Committee and representative of Congress, so that I had more than an ordinary share of work devolving upon me at that juncture.

2. *Labour Questions.*—The Proclamation dissolving

Parliament was published on January 26th, so that in about a week after the close of the Trades Congress we were in the turmoil of a General Election. Mr. Gladstone in his address alluded to labour questions and labour legislation as subjects to be dealt with in the next Parliament. It was too late for confidence to be restored. The Ministerial and other changes had not had time to fructify—there had been no fruit.

3. *Mr. Gladstone's Government and Labour.*—That there had been differences in the Government upon the various labour questions before the dissolution was well known. I had heard from private and perfectly reliable sources that some men in the Cabinet, Mr. Robert Lowe, Mr. W. E. Forster, Mr. James Stansfeld, and others, were favourable to legislation; some others, Lord Aberdare and Mr. Bright, I fear, among the rest were opposed. The Law Officers of the Crown—Sir Henry James, and Sir William V. Harcourt—were favourable. Mr. Gladstone's reference to the subject of legislation in his address shows that the correspondence with him had not been without effect. I caused the questions to candidates to be circulated in all the constituencies, and workmen in most places used them to exact promises of support wherever they could. Locally they took their own course, voting for this candidate or that according to circumstances, political exigencies, or personal likes and dislikes, as the case may have been.

4. *Attitude of Labour Leaders.*—The attitude of the labour leaders was not hostile to the Liberal Party, but they were absolutely firm in the demand for the measures formulated by Congress and insisted upon by the Parliamentary Committee. The position was very different to what it was in 1868. Then all the best known men in the labour movement were engaged in promoting the return of Liberals all over the country, though still insisting upon certain measures for the advancement of labour, especially the protection of trade union funds. In 1874 many of these men took no active part in the contests. A few had their own election battles to fight.

The rest were content to confine their action to the constituencies in which they lived. To what extent this action or inaction influenced the general result it is not possible to say; but the withdrawal of militant Liberalism, or Radicalism rather, from the electoral contests, must have had an unmistakable influence in the final result. The Congress programme was put forward in most constituencies by the local labour leaders or trade union officials, and the promises of support given by candidates were numerous. The organisation was far less effective than in 1868, but the issues were clearer, and the subject of labour legislation was better known.

5. *Labour Candidates in 1874.*—Thirteen labour candidates went to the poll in 1874, but only two were elected, namely, Thomas Burt for Morpeth, and Alexander Macdonald for Stafford. The others were George Howell, Aylesbury; James Hardaker, Bradford; Benjamin Lucraft, Finsbury; Thomas Halliday, Merthyr Tydvil; George Potter, Peterborough; Thomas Mottershead, Preston; George Odger, Southwark; Alfred A. Walton, Stoke; W. R. Cremer, Warwick; William Pickard, Wigan; and Henry Broadhurst, Wycombe. The result was not very encouraging from the labour standpoint, but it was significant that the whole of the thirteen named went to the poll. We also lost in that contest the services of Mr. Thomas Hughes and Mr. J. H. Palmer, member for Lincoln—two true-hearted and well-tried friends of labour in the House.

6. *Result of General Election.*—The elections commenced on January 30th, four days after the dissolution, by the return of unopposed members. The contested elections began on the following day, January 31st, and ended on February 17th. The Conservatives gained 56 seats, thus obtaining a majority. Mr. Gladstone resigned on February 17th, which resignation was accepted by the Queen. On the 18th Mr. Disraeli undertook to form a Cabinet, and on the 20th he submitted the names of the new Ministry to Her Majesty. On the day following the chief officers of State took the oaths of office. On the 25th the first Cabinet Council was held.

7. *Changed Situation: Position of Labour.*—The defeat of Mr. Gladstone's Government at the polls and the consequent change of Ministry, so materially altered the situation that the Parliamentary Committee were puzzled at first as to what to propose or what steps to take. There was, however, time for consideration, as the members of the new Government had to be re-elected after taking office. As previously remarked we had lost Mr. Thomas Hughes and Mr. J. Hinde Palmer, but we had gained Mr. Thomas Burt and Mr. Alexander Macdonald as labour members, and Mr. Charles H. Hopwood, member for Stockport, whose knowledge of and sympathy with labour questions were distinctly to our advantage. We had, however, no definite information as to how far our previous action in Parliament and agitation in the country had influenced the result, or what the effect would be upon the new Ministry. Of one thing we felt certain, namely, that the Liberal party when in opposition, would show a bolder front than they had hitherto done. Mr. Gladstone's manifesto assured us of this; besides which we had Mr. Lowe, Mr. W. E. Forster, Mr. Stansfeld, Sir Henry James, Sir William V. Harcourt, and others upon whom we could depend, when a favourable opportunity should arise for reopening the various questions pertaining to the Labour Laws and legislation in connection therewith.

8. *Proposed Royal Commission on Labour Laws.*—The new Parliament did not meet for the dispatch of business until March 19, 1874, on which day the Queen's message to Parliament was read. On March 12th there appeared, in the *Daily News*, the following announcement :—

#### “MASTERS AND WORKMEN.”

“We hear that the Government has determined to issue a Royal Commission, to inquire into the operation of the Masters and Servants Act, and the Law of Conspiracy in relation to contracts. The Commission, it is said, will be

formed in such a manner as to satisfy the fair demands of the working classes in regard to the impartiality of its constitution."

This startling announcement not only took us with surprise, but it was a genuine surprise to the public. We saw in it indications of victory, an effect of our agitations in the country and at the elections.

9. *Formation of Commission.*—When I arrived at my office, on March 12th, I found a letter awaiting me from an influential member of Parliament, written on the previous day, asking me to meet him at the House of Commons, on the 12th, at 3 p.m. on important business. I attended, as desired, and found that it had reference to the proposed Royal Commission. He then informed me that "a request had been made, under the seal of secrecy, to one of our ablest and staunchest friends in the House to be on the proposed Commission. He had declined unless the Home Secretary consented that he should consult some persons with whom he had been co-operating on labour questions." After some demur the consent was given, and Mr. Frederic Harrison and myself were consulted. After careful consideration the member asked to be on the Commission declined.

10. *Refusal of Seat on the Commission.*—The grounds upon which the refusal was based were the following: (1) That the proper place to discuss these questions was in the House of Commons. (2) That all the necessary data for a full and complete decision by the House were already in possession of the Home Office. (3) That the whole question was ripe for legislation, as a Bill had been actually passed in the last Parliament, dealing with the Law of Conspiracy." On these grounds he finally declined to sit on the proposed Commission.

11. *Attitude of the Parliamentary Committee.*—I at once called a meeting of the London members of the Committee, and invited the following gentlemen to attend: Messrs. A. J. Mundella, M.P., Thomas Hughes, Frederic Harrison, R. S. Wright, and Wm. Mackenzie,

all of whom attended. The meeting took place on March 17th. After full consideration the following resolution was unanimously passed, and ordered to be sent to the Home Secretary and to the newspapers, signed by the whole of the Committee then present: "That this Committee deprecate the reference of the Criminal Law Amendment Act, the Master and Servant Act, the Laws of Conspiracy, and other questions relating to workmen, to a Royal Commission; further, the Committee is of opinion that the time has arrived for immediate legislation." This resolution was signed as ordered, copies being sent to the Home Secretary, and to the newspapers.

12. *Constitution of the Royal Commission.*—Up to that date, March 17th, neither Mr. Burt, M.P., Mr. Macdonald, M.P., nor Mr. Thomas Hughes, had been asked to be on the Commission, though the announcement of it was made on March 12th in the *Daily News*. We were informed, on very good and reliable authority, that an influential member of the new Cabinet had agreed, before the conclusion of the last Session of Parliament, to propose the reference of the several questions we had raised, to a Royal Commission, whenever they were again brought before the House of Commons. Mr. Roebuck, in his speech at Sheffield, confirmed the view that a Commission had, in some way, been prearranged. With these facts before us, we regarded the proposed Commission as an adroit movement on the part of the Government, for the purpose of closing the lips of our friends in the House, and postponing legislation, without affording an opportunity of appealing to Parliament, as to whether a Commission was desirable, or needed, as regards the particular Acts in question.

13. *Hesitancy about the Commission.*—Up to, and including, March 17th, the *Standard*, and some other newspapers, treated the announcement of the proposed Royal Commission on the Labour Laws as a "mere feeler" on the part of the Government, and not as a subject seriously agreed upon, and this, too, in spite of



Mr. Frederic Harrison's letter in the *Times*. The fact is, Mr. Richard Cross had found some difficulty in arranging the Commission. His failure to secure the first member appealed to, led him to solicit others. Mr. Henry Crompton was requested to join the Commission ; in his reply he said, "He could not accept the offer without having the opportunity of consulting those whom he was asked to represent, and without having further information as to the nature and conditions of the inquiry proposed."

14. *Personnel of the Royal Commission*.—The Royal Commission was completed and issued, with the assent of Her Majesty, on March 19, 1874. On the 18th it was still incomplete. On the morning of the 18th Mr. Hughes, Mr. Burt, and Mr. Macdonald were asked to be on the Commission for the first time. Mr. Hughes was solicited first, at the Home Office ; then Mr. Burt came, but for some time they were seen separately, unknown to each other. They were then brought together, and the conversation was resumed. They still hesitated, when they were told that there was no time for delay, as in two hours the list of names must be sent to Her Majesty for approval. They were induced to give a hasty assent to the proposal, and then they went in search of Mr. Macdonald, with the result that Mr. Hughes and Mr. Macdonald accepted seats on the Commission.

15. *Other Commissioners*.—The other Commissioners were, Sir Alexander Cockburn, Baron Winmarleigh, E. P. Bouverie, Russell Gurney, Sir Montague E. Smith, John Arthur Roebuck, and Gabriel Goldney, whom, together with Thomas Hughes and Alexander Macdonald, constituted the Commission. Mr. Burt appears to have preferred that Mr. Macdonald should serve rather than himself. What other persons may have been selected by the Government, in case any of the above declined, we did not discover, but we were told that, had Mr. Hughes and Mr. Macdonald declined, two others were in reserve to be asked and appointed.

16. *Constitution of Commission not Questioned.*—We never had any doubt as to the fairness of the Commission when constituted. One name alone—that of Russell Gurney—was a sufficient guarantee as to the fairness of the inquiry, and also to a large extent for a rightful interpretation of the law. Our attitude was adverse to the issue of the Commission, which we thought was intended to stave off legislation, or at least delay it. It was Mr. Cross's assurance that "it was intended to facilitate legislation," that induced Messrs. Hughes, Burt, and Macdonald to assent to his proposal.

17. *Position of the Parliamentary Committee.*—The action of Mr. Alexander Macdonald, chairman of the Committee, and of Mr. Thomas Hughes, one of our advisors, placed us in an awkward and delicate position, the more so because Mr. Burt, the only other labour member in the House of Commons, had assented to the course taken. It must be remembered that I am narrating events of more than a quarter of a century ago, describing the persons prominently concerned, and recording opinions then held as to measures and policy pertaining to labour questions. In the middle of March, 1874, we did not know Mr. Cross as a social or political reformer; we only knew him as a newly created Tory Minister, the Home Secretary, just appointed. The term "Conservative" was not then so widely used; the terms "Unionist," or "Imperialist" had not been invented. If we were suspicious of the Government, and of Mr. Cross's intentions, there was every excuse. In a year's time we had got to know Mr. Cross better, as we saw him engaged in steering the Labour Bills through the House.

18. *The Committee's Statement of the Situation.*—The Committee met to consider the whole situation, and passed several resolutions; they also resolved to publish a full statement, giving the facts, together with a couple of letters from the Home Secretary, acknowledging the receipt of the resolutions sent to him on March 17th and 21st respectively. "The grounds of complaint," as

set forth by the Committee, respecting the issue and constitution of the Commission, were as follow :—

“ 1. That although the Commission had been in contemplation for several days, and publicly announced in the *Daily News* on the 12th of March, and refusals had been given to be on the Commission, that neither Mr. Hughes, Mr. Burt, nor Mr. Macdonald were invited to be on the Commission until within an hour or two of the time when the names were to be submitted to Her Majesty at Windsor.

“ 2. That Mr. Hughes was present and helped to draw up the resolution of March 17th, up to which time he had not received any notice with regard to the Commission, and really treated the proposal altogether as unofficial.

“ 3. That neither Mr. Hughes, Mr. Burt, nor Mr. Macdonald consulted the committee, to whose care the trade unionists of the country had committed these questions.

“ 4. At the congratulatory dinner given to Mr. Macdonald and Mr. Burt, at Anderton's Hotel, on the evening of March 18th, at which the Commission was denounced, neither of the gentlemen named, nor Mr. Hughes, who was also present, attempted to explain their position with regard to it, or said a word in support of such a proposal as a Royal Commission, although at that very time they had been induced to assent to the proposal, and two of the gentlemen named were actually on the Commission.”

19. *Committee's Resolves.*—The foregoing clearly indicate the delicacy of the situation. A full meeting of the Parliamentary Committee was convened on March 19th and held on the following day. Messrs. Hughes, Burt and Macdonald were asked to attend, and did so. Mr. Macdonald tendered his resignation as chairman and member of the Committee, which was accepted. At that meeting the following resolutions were unanimously agreed to :—

(a) “ That this meeting of the Parliamentary Committee, elected by the Trades Union Congress, representing more than a million of workmen, specially convened to consider the action of the Government in appointing a Royal Commission, deem it to be a mere excuse for delay, and we adhere to the resolution already passed deprecating the appointment of the Commission, and we hereby pledge ourselves to continue to protest against the whole scheme as being a surprise, an intrigue,<sup>1</sup> and a fraud ; and further we recommend the whole trade unions of the country to refuse to have anything to do with the

Commission, either in the way of giving evidence or of recognising in any way the action *pro* or *con* of the Commission.

(b) "That the secretary be instructed to send a copy of the above resolution to the principal Secretary of State for the Home Department, to the whole of the trade unions of the country, and also to the newspapers.

(c) "That this Committee urge upon the trade societies of the kingdom to hold meetings in support of the course adopted by this Committee in repudiation of the Royal Commission; and, further, we request that the resolutions passed be sent to the local members of each constituency, calling upon them to support immediate legislation on the several points as agreed upon at the Sheffield Congress."

20. *The Committee's Defence.*—The foregoing resolutions were sent to the Home Secretary and to the newspapers, as ordered. Mr. Cross's acknowledgment was a model of courtesy. He expressed "his thanks to the Committee for their courtesy in directing that a copy of the resolutions should be sent to him, but deeply regrets that the Committee should have so entirely misunderstood the intentions of the Government." The newspapers were less indulgent. In them, and by speeches of public men on the platform, we were denounced and called upon to defend the expressions used, that the appointment of the Commission was "a surprise, an intrigue, and a fraud."

21. *An Explanation and Defence.*—Looking back over the intervening period of some twenty-seven years, and remembering what followed in 1875, I frankly admit that our judgment was at fault, that our condemnation was too severe, that the expressions used could not be justified. But we had to regard the matter from the then standpoint, which was too close for perfect vision. Things very near were magnified; the view was so limited that we lost the sense of proportion. Nevertheless, the "defence" issued by the Committee was, in its way, a powerful one. It recapitulated the facts connected with the appointment of the Commission, the inquiries in 1867-69, and the results in eleven volumes of evidence and reports"; the "inquiries in 1865-6 as to the Master and Servant Acts, two volumes," and the prosecutions

under the Criminal Law Amendment Act. It referred to what had taken place in Parliament, to the passing of the Conspiracy Bill and then its abandonment. Its strongest plea was that, while the inquiry was proceeding, innocent men were being sent to gaol. The defence was vigorous in style and language; it quoted facts upon which the committee relied, and it argued that the inquiry would give an opportunity to members to "evade the direct pledges given to their constituents" at the General Election. History requires that this protest shall be quoted in its essence, because it explains the attitude of the labour leaders.

22. *The Inquiry—Obtaining Evidence.*—Mr. Francis H. Bacon was appointed secretary to the Commission, and it appears that there was some difficulty in obtaining evidence. The secretary wrote me on June 4th, in which he said: "I am directed to inform you that the Commissioners will be very glad to receive any evidence that either you, yourself, from your intimate knowledge of the subject, and the position you occupy as secretary to the Parliamentary Committee of the Trades Union Congress, or any witnesses whom you may enable me to call, who may be willing and able to lay evidence before the Commission."

23. *Refusal to Give Evidence.*—To the courteous letter of the secretary I replied on June 10th, absence in the North causing delay. I said: "In reply to your letter I beg to state that I very much regret that the peculiar circumstances in which I am placed as secretary to the Parliamentary Committee of the trade unions, whose decision I enclose, together with the circumstances which gave rise to the Commission, and also to the nature of the proposed inquiry, altogether prevent me from acceding to your request." I explained the reasons, with due respect, at some length why, in my opinion, Parliament ought to have dealt with the questions at issue, without the intervention of the Commission. The correspondence is given in full in the reports of the Commission.

24. *Witnesses Examined.*—It was fortunate, perhaps, for

the cause of labour that the decision of the Parliamentary Committee and their advisers was not rigidly obeyed by the trades. Had they absolutely declined to give evidence, the "great Conservative Party" would not have been able to find sufficient excuse to have justified their sudden conversion to the workmen's views, in the eyes of their own followers. The latter were at least surprised; the Opposition—front and back benches—were absolutely astounded. The Report of the Royal Commission complained as to the evidence required, that "no such evidence was, except to a very limited extent, furnished to us"; and it states that the evidence obtained was solely due to the exertions of Mr. Alexander Macdonald, M.P. The chief witnesses were Mr. George Shipton, London Trades' Council; Mr. Andrew Boa, Glasgow Trades' Council, and John Sale, Birmingham. The Employers' Federation and other Associations were represented by Messrs. Blackley, Menelaus, Maskell, W. Peace, John Robinson, and three members of the Liverpool Master Builders' Association. Two London police magistrates gave valuable evidence, namely, Mr. Hannay and Mr. Bridge, and also Mr. Davis, stipendiary in the Potteries, 1870-73, and police magistrate at Sheffield at the date of the inquiry. With such evidence, and an official synopsis of cases under the Criminal Law Amendment Act, and some cases under the Master and Servant Act, together with list of convictions, the Royal Commission had to be content.

25. *Exclusion from Lobby for Refusing to Give Evidence.*—The odium for refusal of evidence fell upon me. I was secretary of the Parliamentary Committee which passed the resolution, and I it was who had to convey that resolution to the Home Secretary. But I did more. I was officially solicited to give evidence, and refused, in the terms of my letter referred to (par. 23). A few evenings afterwards, I went to the Lobby of the House of Commons as usual. In a short time a police officer came to me and said, "Mr. Howell, you must leave the Lobby." "What for?" I asked. "Those are my

orders," said he. I again refused. He begged of me not to make a fuss. I told him I would not, but I must be turned out. "I shall not resist," said I. He went to the inspector and reported. He came back and said, "You must leave the Lobby." "Very well," replied I, "you only need to put your hand on my shoulder," and he then conducted me to the door. I went home and wrote to the Speaker, Mr. Gladstone, Sir Henry James, Sir William Harcourt, and four other Members of Parliament, stating the facts. On the following afternoon I received a message from Lord Charles Russell (per special messenger) asking me to call. Lord Charles referred to the letters and to calls from several of those named, and told me that I should have applied to him. I was at once readmitted to the Lobby, and was never thereafter disturbed. But I heard that my character and conduct had been subjected to careful scrutiny before the privilege was regranted, and that it was found to be sufficiently good to satisfy Lord Charles Russell and other officers of the House. I may here add that, on all occasions, I was treated most courteously by all the officials of the House of Commons, and especially so by the Inspector of Police and his staff. My re-admission to the Lobby was welcomed on all sides.

## CHAPTER XXXIV

### A WAITING POLICY, NEW DEVELOPMENTS, AND RESULTS

THE Session of 1874 was, of necessity, a blank in so far as the repeal of the Criminal Law Amendment Act was concerned. All action in the House of Commons was practically barred by the inquiry by the Royal Commission then sitting. We could only wait, watch, and agitate. The constitution of the Commission gave us hope, and the assurance of the Home Secretary that unnecessary delay was not contemplated, tended to inspire confidence. If our faith was not overwhelmingly strong, it was because past experience led us to doubt, and the constitution of the new House of Commons seemed to justify our hesitancy. Events subsequently proved that we were too severe in our judgment and too hasty in our conclusions. But statesmen, as well as labour leaders, sometimes fail in their forecast of events, and, therefore, the latter might be excused if they could not penetrate into the secret resolves of the new Ministers, and felt some reluctance to credit them with the intention of doing that for labour which the previous Government had refused, which refusal was backed up and supported by members of the new Government, and by their allies, both in Parliament and out of it.

1. *Labour Legislation in 1874.*—Although the Labour Laws, so called, were shelved for the present, the Session of 1874 was by no means a barren one, in respect of labour. Three Acts were passed in the Session, each one being a valuable measure, favourable to labour as regards



the matters dealt with. They were : (1) A Government Bill—The Alkali Works Act, 1874 (the 37 & 38 Vict., c. 43); (2) The Factories (Health of Women) Act, 1874 (the 37 & 38 Vict., c. 44), and (3) The Hosiery Manufacture (Payment of Wages) Act, 1874 (the 37 & 38 Vict., c. 48).<sup>1</sup> This measure was steered through the House by Mr. Pell and Mr. Macdonald. Those measures appealed strongly to the operatives in the textile trades, and to those engaged in alkali works. The candidates in constituencies affected by those important measures elected to the new House of Commons, had so far fulfilled their pledges in respect at least of the legislation indicated. Workpeople in Lancashire, Yorkshire, and in the Midland counties were benefited, and rejoiced accordingly. The Government could rejoice also, for their legislative path was made smooth. The Liberals generally were favourable to such legislation, and those who were not hardly dared to oppose these measures, even if inclined to do so. There is this advantage in a Conservative Government : if they propose useful and progressive measures, they may count upon Liberal support in the House ; but I dare not add—and *vice versâ*.

2. *Parliamentary Committee's Action*.—As the Trades Union Congress had approved of the three measures enumerated, the Parliamentary Committee supported in every way their passage through Parliament. In this, as in all other cases, I was their mouthpiece, as secretary to that Committee. But the factory operatives of Lancashire and of the Midlands had their own representatives in London looking after their Bills. I was in constant communication with them, and looked after their interests in the Lobby of the House of Commons, either in conjunction with them or, as was often the case, alone. We had an accession of strength in the House in Mr. Alexander Macdonald and Mr. Thomas Burt ; with the former I was constantly in communication, as my old colleague on the Parliamentary Committee. Mr.

<sup>1</sup> The Hosiery Manufacture Bill was part of the Truck Bill, as it left the Select Committee to which it was referred.

A. J. Mundella and Mr. Samuel Morley, both connected with the hosiery trades, warmly supported the measures. We had also a new and valuable ally in Mr. C. H. Hopwood, ever ready with his advice and help in the House and out of it. Our work, therefore, during the Session of 1874 was less harassing than in the three preceding years, for the measures affected only particular industries, in certain counties; and the operatives in the several constituencies endeavoured to keep their members up to the mark in respect of them.

3. *Proposed Repeal of the Trade Union Act, 1871.*—On Saturday, June 13, 1874, I was surprised and startled by an unexpected proposed new departure in legislation. I had, as secretary to the Parliamentary Committee, made arrangements for the delivery to me daily of all Bills pertaining to labour and to the working classes generally. On the day and date mentioned, the Friendly Societies Bill, for consolidating and amending the law, was issued, and I received my copy. On looking over the measure, I found, to my astonishment, that it proposed to repeal the Trade Union Act, 1871, which had been carried by the late Government. I had no warning of this, never a hint, although I was acting for the Parliamentary Committee of the Trades Congress, and in that capacity was constantly at the House of Commons, and in communication with Her Majesty's ministers, other members of the Government, and members generally. Neither Mr. Alexander Macdonald nor Mr. Burt knew of the intention of the Government, although both were in the House, and one of them, Mr. Macdonald, was on the Royal Commission on the Labour Laws, then sitting. As soon as I had mastered the meaning and effect of the clauses in the Government Bill, I sat down and wrote letters to the *Times* and *Daily News*, calling attention to the subject, and pointing out that the second reading was fixed to take place in a week's time. My letters were inserted in both papers on Monday, June 15th, which was the first public intimation on the subject.

4. *Public Attention called to the Measure.*—I immediately

sent copies of the Bill to the chief trade unions, together with a letter calling attention to the proposal and inviting an expression of opinion thereon. I also sent a copy to each member of the Parliamentary Committee, with a letter pointing out the special clauses, so that they should not be taken unawares by any expression of opinion. I furthermore wrote to Sir William Harcourt, M.P., Sir Henry James, M.P., Mr. A. J. Mundella, M.P., soliciting an interview at the House of Commons on Monday evening, June 15th, the evening of the day on which my letters appeared in the newspapers named. I also wrote to Mr. Frederic Harrison, Mr. Henry Crompton, and Mr. R. S. Wright, asking their opinion as to the provisions of the Bill. All this had been done on June 13th and 14th, as there was no time to be lost. Early on Monday morning Mr. J. M. Ludlow called upon me, and complained of my letter. He had, he said, been consulted upon the Bill in its drafting. I told him that I knew nothing as to that. I expressed my surprise, seeing that I was the mouthpiece of the unions, and that we were busy in trying to amend the Act. He replied that the Bill was framed in the interests of trade unions, and that our suggestions were embodied therein. I pointed out the difference between the organisation and objects of trade unions and friendly societies, and contended that the two could not be worked on the same lines.

5. *Result of Conference on the Bill.*—The gentlemen named agreed with me as to the unsuitableness of the Bill as a substitution for the Trade Union Act, 1871, and I was instructed to make a digest of its provisions for publication, with especial reference to those parts of the measure which related to, or affected, trade unions. In the preparation of that digest I had the invaluable aid of Mr. R. S. Wright. It was pointed out that clause 76 might deprive unregistered unions of protection in cases of criminal procedure, and limit all the advantages of the Act of 1871 to registered unions, and then only when "its purposes and rules were in restraint of trade." Difficulties were pointed out in respect of the registration

clauses, and as to the power conferred upon the Registrar to make regulations. "By Clause 42 the obsolete penal laws of George III. against seditious societies were revived and brought into practical operation." The effect of that clause was stated in some detail, the effects of which would have been most disastrous. By Clause 53 the continuance of a default is made a new offence on each day during which the said default continued. The definition clause was found to be so defective that it limited the operation of the Act of 1871 to an extent which would have been most prejudicial to certain forms of combination, more or less protected by the Trade Union Act.

6. *Comments on the Bill by the Parliamentary Committee.*—The digest referred to was sent to all members of the Parliamentary Committee, and a meeting was immediately held to consider and report upon the provisions of the Bill. The Committee gave full credit to the authors of the Bill for their intentions. They deprecated meddling with the Trade Union Act, 1871, except in matters of detail, such as the Committee had already suggested. They pointed out the danger of reopening questions which were settled by the Act of 1871, and also that trade unions were of two kinds—those having provident benefits, and those which had not. Registration was optional, but under the Bill all unions must register by December 31, 1876. There was great and obvious danger under Clause 42 of a revival of the provisions of the Corresponding Societies Act. Moreover, it proposed the separation of trade union funds into (1) provident benefits, and (2) for trade purposes, a principle always opposed by labour leaders and trade union officials. That manifesto was signed by Daniel Guile, vice-chairman, William Allan, treasurer, and George Howell, secretary. The result of this action, and of interviews with Sir Stafford Northcote, Chancellor of the Exchequer, was the withdrawal of the Bill of 1874. In the Bill of the next session, 1875, the clauses objected to did not appear, and the Bill was passed.

7. *Continuance of Agitation.*—The appointment of the Royal Commission, and the fact of its being then sitting and taking evidence, did not much abate the agitation for the repeal of the Criminal Law Amendment Act; trade unionists, at least, being as determined as ever to abrogate it. Some prosecutions under the Master and Servant Act, 1867, aroused increased indignation against that Act, so that both were denounced at public meetings and demonstrations, and demands were made for its repeal also. And no wonder. Cases of gross injustice were brought to light, as prosecution after prosecution was instituted, though in some instances the prosecuting parties failed to obtain a conviction. The agitation thus carried on effected a twofold object: it strengthened the trade union movement, by extended organisation, and at the same time it consolidated the forces in favour of the total repeal, or, if that were impossible, of considerable modification of existing laws respecting labour. There was unity of purpose, moreover, dissension as to objects being practically unknown. We were as one also as to methods and means. The leaders had no personal axe to grind; they had no millennium to propose or Utopian scheme to advance; they simply desired just laws, equality before the law of hirer and hired, of employers and workmen, and for this object they worked.

8. *Strikes: Labourers, Miners, and Ironworkers.*—The year 1874 was one of unrest in several large industries, notably in connection with the rural population. The agricultural labourers, so long the serfs of the soil, had been organising, and were now engaged in a struggle for an advance in wages, and for better conditions of labour generally, and to a considerable extent they were successful. Joseph Arch had become a power; his name was one to conjure with; his services were in demand by prominent men in the Liberal Party for political purposes. During the strikes in various rural districts, the artisans and mechanics of the towns contributed liberally in support of that movement.<sup>1</sup> Miners and ironworkers

<sup>1</sup> For account of the Agricultural Labourers' Movement, see Chap. XXVI.

were engaged in severe labour struggles, chiefly to maintain, as far as possible, the high rates of wages won from 1870 to 1873, when "commerce and trade advanced by leaps and bounds." Those strikes met with varying success. The downward trend of wages could not be resisted, but the effects were modified by the stubborn attitude of the men. There was, however, a remarkable absence of strikes among the mechanics and artisans of our towns, due possibly to their powerful organisations, for attempts to reduce wages were comparatively few. Indeed, in one considerable group of industries, namely, the building trades, employment continued good for three or four more years; in those branches wages had an upward tendency from 1873 to 1878 in many parts of the country.

9. *Parliamentary Committee's Report for 1874*.—The Seventh Trades Union Congress was fixed to meet on January 18th to 23rd inclusive, 1875, at Liverpool. The report of the proceedings of the Committee dealt with the several matters remitted to its care, the record of which may be briefly summarised. It referred to the General Election—its suddenness; defeat of the Government, converting a Liberal majority of sixty-four into a minority of sixty, giving a powerful majority to Mr. Disraeli over Mr. Gladstone; and to the loss of Messrs. Thomas Hughes, J. Hinde Palmer, Walter Morrison, and Andrew Johnstone, all supporters of Liberal legislation for labour. On the other hand, Messrs. Alexander Macdonald, Thomas Burt, and C. H. Hopwood were elected as a set-off to our losses. The Committee had arranged with Sir William Harcourt to bring forward a motion in the House dealing with conspiracy, the Criminal Law Amendment Act, and the Master and Servant Act, which Sir Henry James and Mr. A. J. Mundella had agreed to support; but the announcement in the Queen's Speech of the intention of the Government to appoint a Royal Commission, led to the abandonment of the proposed motion. The Juries' Bill, substantially the same as the Bill of the late Government, was introduced, the second reading being carried on April 22nd. The Bill went into

Committee on May 14th. One clause, as passed by the Committee, gave power to the prosecutor to have the case tried by a special jury, against the will of the accused. Mr. C. H. Hopwood fought that clause, as it would enable an employer to try his workmen by a special jury. In consequence of this opposition the clause was withdrawn.

10. *Measures in Abeyance.*—In consequence of the crowded state of public business in 1874, the Committee were unable to make any progress with the question of the summary jurisdiction of magistrates, or the amendment of the Small Penalties Act. No action or step was therefore taken in the House of Commons on either subject. The proposed Compensation for Injuries Bill, promised on behalf of the late Government, by Mr. Chichester Fortescue (afterwards Lord Carlingford) in 1872, and again in 1873, dropped with the change of Ministry, and the new Government took no action. Mr. Bass, member for Derby, had prepared a Bill, but this was not introduced. Sir Edward Watkin, however, brought in a Bill which the Committee felt bound to oppose. It did not sufficiently amend Lord Campbell's Act, and it proposed limitations which were regarded as most unsatisfactory. The Shop Assistants' Hours of Labour (Early Closing) Bill was not introduced, but Mr. Samuel Morley, M.P., called a conference of shopkeepers and employers in London on March 20th, to consider the measure. With certain modifications the conference approved of the Bill. It proposed to limit the hours of females, and young persons of both sexes, under twenty-one years of age, to sixty hours per week. No action could be taken to amend the Trade Union Act, 1871, although the ex-Home Secretary, Mr. Lowe, had intimated his agreement with the Committee on the subject.<sup>1</sup>

11. *Prevention of Loss of Life at Sea.*—Mr. Plimsoll's Merchant Shipping Bill was brought in on March 20, 1874. It had the cordial support of the Parliamentary Committee, and I was constantly at the House to assist

<sup>1</sup> See Pars. 3-6, on Friendly Societies' Bill.

in furthering that and other measures. The Bill was substantially the same as that of 1873, but, at the suggestion of several shipowners, he was induced, against his better judgment, to modify the clause relating to the load-line. Then some of the shipowners who had urged the modification, opposed the Bill as ineffective, because of the change which Mr. Plimsoll had consented to make. Human nature is very curious, especially as exemplified in the House of Commons. On June 24th Mr. Plimsoll moved the second reading. Mr. Forsyth seconded, Mr. Samuda and Mr. (now Sir Edward) Reid supported. The motion was lost by only three votes—for 170, against 173—although the whole force of the Government was used against the measure. Mr. Disraeli was, on July 2nd, requested to receive a deputation on the subject; on the 10th he replied that he was too busy, but would consider any document or statement which the Committee might see fit to send to him. A carefully prepared statement was sent to him on August 13th, copies of which were sent to the trades. The shipping trades of Liverpool sent a series of suggestions as a basis for a Bill, which suggestions had the support of the Liverpool Trades Council.<sup>1</sup>

12. *Miscellaneous Questions.*—The Committee reported the request of the Universal League of Corporate Workmen to send a delegate to the Geneva Congress, which they refused, as the character of the Association was not quite clear, whether it was “in the sense in which we use the term, a federation of trade unions.” Twelve labour representatives, in as many constituencies, were candidates at the General Election, and went to the poll; five of these were members of the Parliamentary Committee. Two only were elected, viz., Mr. Alexander Macdonald for Stafford, and Mr. Thomas Burt for Morpeth. The subject of a federation of the trades had been considered, but the committee were unable to make any proposals thereon. Technical education had also been considered, and some assistance had been rendered to the Society of

<sup>1</sup> See “Our Seamen—The Plimsoll Movement,” Chap. XXVII.



Arts in their technological examinations.<sup>1</sup> A brief report was also presented on the Labour Laws Commission, but, as the Final Report was not issued, no suggestions could be made. The Committee, however, reiterated their decision as to giving evidence, maintaining its attitude towards the Commission from the first. The programme presented for the following year, 1875, embraced twelve subjects, all of which had been endorsed by previous Congresses, the measures relating thereto not having been carried. In that year, on October 15th, William Allan, the treasurer, passed away, to the deep regret of all who knew him.

13. *The Trades Union Congress, 1875.*—The Seventh Trades Union Congress met in Liverpool on January 18, 1875. There were 151 delegates, representing 107 trade unions and trades councils, with an aggregate of 818,032 members. The report of the Parliamentary Committee was unanimously adopted, and the Committee were heartily thanked for their services during the past year. Mr. Henry Crompton read an admirable paper on the "Law of Conspiracy," which was published. Strongly worded resolutions were passed condemnatory of the Criminal Law Amendment Act, the Conspiracy Laws, and the Master and Servant Act. During the discussion a London delegate accused members of the Parliamentary Committee of opposing the Royal Commission because they were not chosen to be on that body. The members of the Committee repudiated the charge. Congress demanded an inquiry, which the Committee supported. A committee was by resolution then appointed, with the result that the delegate was expelled from the Congress, as he could give no evidence whatever in support of his allegations. On the last day of Congress the expelled delegate alluded to addressed to the chairman an apology for having made the statements, which he withdrew, and expressed regret for having made them. The Congress thereupon rescinded that part of the resolution which

<sup>1</sup> For my work in that connection I was presented with two sets of volumes, in 1875 and 1876 respectively, by the Society of Arts.

excluded the said delegate from all meetings of future Congresses.

14. *Next Congress, Election of Committee, &c.*—The Congress, by resolution, changed the dates at which Congresses in future should meet, from January to September. It passed resolutions in favour of arbitration in labour disputes, of postal employees, urging a committee of inquiry ; of sympathy with the South Wales miners and ironworkers in their dispute ; and the gas-tube makers at Walsall and Wednesbury, in opposition to the increase of working hours from nine to ten per day ; in favour of co-operation, and of a measure in favour of boiler inspection, &c. Special resolutions were also passed in favour of labour representation, on the Truck system, workshops regulation, compensation for injuries, and other subjects. Glasgow was selected as the meeting-place of the next Congress, to be held in September, 1875. Mr. Daniel Guile was re-elected treasurer in the place of Mr. William Allan, deceased, and Mr. George Howell, as secretary of the Parliamentary Committee. There was complete unanimity as regards the programme for the ensuing Session, and the Committee had so completely vindicated their conduct that very little change was made in its composition of that body, except that which was due to resignations, by Mr. Alexander Macdonald, M.P., on account of duties in the House, Mr. Joseph Arch, and Thomas Mottershead, by reason of another of the same trade being elected. There were no divided opinions as to measures, or methods of action, either in the Congress or in the newly elected Parliamentary Committee.

15. *The Session of 1875.*—The “Labour Laws” of 1875 were of such supreme importance that they demand a whole chapter. Meanwhile, the several other measures relegated to the Parliamentary Committee need only a brief statement to continue in due order the narrative at that date. (1) The Committee inquired into the great lock-out in South Wales, whereby it was computed that 100,000 persons were deprived of their living ; and also

into the allegations in the newspapers that "the ruin" in the iron and steel industries had been brought about by the trade unions and their leaders. A report on the subject was prepared and published, in which the accusations alluded to were denied and rebutted. It was stated in that report that the chief of the bankrupt firm lived at the rate of £40,000 a year; such extravagant and unwise expenditure had caused the stoppage of the works. That and other failures severely commented upon in the newspapers of the time were dealt with in the report. (2) The Friendly Societies' Consolidation Act (38 and 39 Vict., c. 60) was passed this year, but as the proposals in the Bill of 1874 to repeal the Trade Union Act had been dropped, the Committee did not feel called upon to intervene to any large extent. The matter was in the hands of an able and efficient Committee of the various Friendly Societies, whose labours were unremitting to make the measure effective for its purposes. The Parliamentary Committee did, however, protest against the reduction of the death benefit in the case of children from £6 to £3 by the House of Lords, and the Commons restored the amount to £6.

16. (3) *Various other Measures.*—With respect to the Trade Union Act, 1871, the amendments which the Parliamentary Committee had submitted to the Home Secretary, April 27, 1874, and to him again and to the Chancellor of the Exchequer on November 18, 1874, at deputations on those dates, had been assented to, and these had been incorporated in the Friendly Societies' Consolidation Act, 1875. The Committee did not complain of the Trade Union Act, they only wanted to amend it in certain matters of detail, relating to the investment of funds, duties of trustees, and some other minor points. (4) Sir Edward Watkin reintroduced his Compensation for Injuries Bill, amended in some particulars; but the Bill was not such as the Parliamentary Committee could support, because of its limitations. It was indeed too much of a Railway Compensation Bill for them to aid in passing. Mr. Alexander Macdonald had charge of the

subject in the House, and he could not endorse Sir Edward Watkin's Bill. The Committee consulted also the Council of the Amalgamated Society of Railway Servants on the matter, and they agreed as to the inadequate nature of the measure. (5) The question of Truck could not be reopened during the Session, but it was reported to Congress that the short Act of 1874 and the Inquiry and Report of the Royal Commission, together with the report of the Select Committee of 1874, had well-nigh killed the practice, at least in its grosser forms.

17. (6) *Other Measures—continued.*—The Parliamentary Committee co-operated with the Inventors' Institute in respect of an amendment of the Patent Laws. The Lord Chancellor introduced a Bill on the subject, but it did not meet the requirements of the case. Conferences were held and deputations were sent to the Lord Chancellor and the President of the Board of Trade on the matter. The Trade Councils of the chief centres of industry co-operated with the Committee and the Inventors' Institute in opposing the Bill as introduced, with the result that it was withdrawn when it reached the House of Commons. The subject was revived in the following year. (7) The Summary Jurisdiction of Magistrates, the Jury Laws, and the Small Penalties Act had been again relegated to the Committee, but nothing further could be done than to prepare and forward to the Home Secretary a memorial on the subject. Confidence was expressed that Sir Richard Cross would deal sympathetically with the matter when opportunity offered. (8) The Committee attended the Co-operative Congress in London with the view of securing more hearty co-operation in matters of mutual interest to trade unions and co-operative societies.

18. (9) *Merchant Shipping Bill, 1875.*—The Government, according to promise, reintroduced their Merchant Shipping Bill, amended in some particulars, on February 8th. But the measure was found to be so defective and inadequate that Mr. Plimsoll introduced a Bill to remedy defects in the Government measure. He desired two essential things : (a) the protection of life at sea, and (b)

the protection of seamen from the harsh conditions under which they served, more severe than even under the worst features of the Master and Servant Act. He tried to give to them protection under the Labour Laws, in cases of breach of contract, when their lives were endangered, by his amendment in Committee, on July 21st, but was ruled out of order; and when the Merchant Shipping Bill was withdrawn on the day following, July 22nd, he accused some shipowners of being "villains who sent their sailors to death," for which he was called to order, Mr. Disraeli moving that he be reprimanded by Mr. Speaker. It was not then pressed, and at the end of a week an apology was accepted.<sup>1</sup>

19. *Hague and Another v. Cutler*.—The one case that did much to seal the fate of the Master and Servant Act, 1867, was the case of *Hague and Another v. Cutler*. Lord Elcho (now Earl Wemyss) appears to have thought that his Act, of 1867, was the perfection of law as regards contracts of hiring and of service, other than domestic service. He was doubtless supported in that view by the flattering speech of the Prime Minister, Mr. Disraeli, in praise of the Act. It was indeed a good measure as compared with what the law was at that date, and the noble lord deserves great credit for his preponderating share in the work. Nevertheless the Act was not perfect, was in fact very defective, as the case in question will show.

20. *Operation of Master and Servant Act*.—The facts of the case were briefly these. William Cutler was a fire-iron forger, and being an excellent workman, his employers, Messrs. Hague and Co., in 1871, entered into a five years' contract with him, to secure his services to the firm. His agreement provided that "the usual prices allowed by those in the same trade for similar work," should be paid to him. In 1872-3 the workmen in the same branch of trade in Birmingham obtained 20 per cent. advance in wages. In Dudley and district 10 per cent. was given, and the men were agitating for a further 10 per cent.

<sup>1</sup> See "Our Seamen," &c., Chap. XXVII.

The Sheffield men made a demand for an advance of 20 per cent. in 1873, Cutler being one. As the advance was not granted, the men ceased work. After three weeks' absence from work the firm summoned Cutler, under the Master and Servant Act, for £15 damages. The Court reduced the amount to £11 8s., which Cutler was ordered to pay. This he paid. As, however, he did not return to work, the firm took out another summons, claiming fulfilment of the contract. The court ordered that the contract be fulfilled. He refused unless the advanced rate was conceded to him. He was then sentenced to three months' imprisonment; this term he served in Wakefield Gaol. Eighteen days after his release he was again summoned for non-fulfilment of contract, but as the Act provided that the maximum "term of imprisonment, whether under one of successive committals, should not exceed in the whole the period of three months," it was held to be an answer to the claim for the fulfilment of the contract. But the stipendiary had power to alter the terms of the summons, and the complainant therefore proceeded to claim compensation. Defendant's counsel argued that the order for compensation in the first instance, the amount being paid, was a bar to further proceedings. The magistrates decided otherwise, and thereupon made order for the payment of a further sum of £11 8s., as on the first summons.

21. *The Appeal: Order of Court Confirmed.*—That decision was regarded as monstrous, and therefore it was determined to appeal. A committee was formed and the case was taken to the Court of Queen's Bench. The case was heard on June 3rd before Mr. Justice Lush and Mr. Justice Archibald, Mr. Hopwood appearing for the appellant, Cutler. The court upheld the decision of the magistrate, with costs against the appellant. Thus the man had paid damages in the first instance, had suffered three months' imprisonment in the second, and then had to pay further damages and costs—three separate penalties for the breach of one contract, and that contract not annulled. The committee who fought the case

included Mr. Mundella, M.P., and Mr. E. Jenkins, M.P.; Admiral Maxse; Messrs. Thomas Hughes, Frederic Harrison, H. Crompton, W. Mackenzie, and F. W. Campin (barristers); Professor Beesly, William Allan, and George Howell (Parliamentary Committee); Messrs. D. Guile, R. Applegarth, George Odger, H. Broadhurst, and other representatives of several trade unions.

## CHAPTER XXXV

### THE LABOUR LAWS, 1875: "THE WORKMEN'S CHARTER"

IN the Queen's Speech at the opening of the Session of 1875 the Government announced, among other measures, their intention to introduce a Bill or Bills dealing with the Labour Laws. But the Parliamentary Committee were apprehensive of non-fulfilment, especially as the Royal Commission had not finally reported. I felt personally anxious because my health was breaking down by the continual mental and physical strain (late hours at the House of Commons, public meetings in London and the provinces, literary work in connection with labour measures, and illness in my home) to which I was subjected. I ascertained that the Commissioners had agreed upon and signed their Report as early as February 17th, but a long delay occurred before it was issued. However, I was able to obtain an early copy long before publication, so that I was enabled to examine every detail and prepare a report for the Committee, which report was published almost simultaneously with the official issue of the Final Report of the Royal Commission. My report was indeed ready by February 20th, but the Committee could not in honour anticipate that of the Royal Commission. Copies of our report were sent to the members of the Royal Commission, to the Home Office, to other members of the Government and of the House of Commons, to the newspapers, and to trade unions all over the country. There was no secrecy about our pro-



ceedings, no reticence as to our opinions, no ambiguity respecting our objects.

1. *Final Report—Action of Parliamentary Committee.*—The delay in the publication of the Final Report was excused by the Government on the ground that they required time to examine and digest it. After its publication further time elapsed to enable members of the House of Commons to inspect it—some few to read and carefully consider it. In the meantime the Parliamentary Committee were busy consulting friends of the labour movement not in the House and in interviewing members of the House. As their representative and mouthpiece I was almost daily in the Lobby consulting members and urging action, as the Session was fast gliding away. Members of Parliament hesitated to move lest it should appear that they were too pressing upon the Government. Inaction was felt by us to be depressing. At last some questions were put in the House, but all the reply we could get was that the Government had the matter under consideration. Weeks thus passed in uncertainty. At last the Committee decided that I should ask Mr. Cross to receive a deputation on the subject. Some of our friends thought us premature, but the Home Secretary cheerfully assented to receive a deputation. The interview took place on April 27th, when a memorial was presented reviewing the whole subject. Mr. Cross assured the deputation that legislation should take place during the Session. There was no intention of unduly delaying it, but time was essential to a full consideration of the matter. A report of the deputation, together with copy of the memorial, was printed and widely circulated, copies being sent to members of Parliament, the Press, and to trade societies.

2. *Character of Report.*—There is no occasion to dwell at any length upon the “Second and Final Report of the Royal Commission.” It was fortunately thrust aside by the Government, their Bills being far in advance of that Report. The hand of the lawyer is evident throughout. Sir Alexander (afterwards Lord) Cockburn was doubtless

the author of the Draft Report, which was signed by all his colleagues—Baron Winmerleigh, E. P. Bouverie, Russell Gurney, Montague Smith, J. A. Roebuck, Thomas Hughes, and Gab. Goldney—except Alexander Macdonald, who presented a separate report. The recommendations in the Majority Report were three: (1) To abolish the penal clauses of the Master and Servant Act; (2) to retain the Criminal Law Amendment Act, with a slight modification; and (3) slightly to limit the operation of the Law of Conspiracy. Mr. Macdonald expressed dissatisfaction with each conclusion; the Master and Servant Act required more drastic treatment; the Criminal Law Amendment Act should be repealed; and as regards conspiracy he endorsed Sir Wm. Harcourt's Bill of 1873. In conclusion, he quoted the Report of Messrs. Thomas Hughes and Frederic Harrison in the 1867 Commission as to the unwholesome character of class legislation with exceptional penalties. The inquiry and Report were failures. The evidence was restricted in character, the conclusions were meagre and totally inadequate. The Royal Commission did not help the Government except to give them breathing time. It doubtless caused the Home Secretary considerable disquietude, for he of all the Ministers had a difficult task, with the ex-Home Secretary (Mr. Lowe) and the ex-Law Officers of the Crown (Sir Henry James and Sir William Harcourt) on the warpath in warlike attire at his heels.

3. *The Government Measures.*—Weeks glided by; the Easter and Whitsuntide holidays had passed, and yet the Government made no sign. We felt not only anxious, but disappointed and depressed. We began to fear that the Session would end in the non-fulfilment of the promises made by Mr. Cross. Nevertheless, his character and his conciliatory conduct sustained us in the hope that he would redeem the solemn promises which he had made and the pledges he had given. At length, on Tuesday, June 10th, the Home Secretary introduced his measures, thereafter, when carried, termed the "Labour Laws"—namely, the Employers and Work-

men Bill and the Conspiracy and Protection of Property Bill, which were read a first time. The Home Secretary's speech displayed great ability and a complete mastery of the subject. It was not only conciliatory, but sympathetic. It evinced a desire to do justice and to redeem to the full all the promises he had made. In tone and sentiment it was comprehensive and liberal ; by the House it was well received. From my seat under the gallery, as I viewed the scene, I could not but contrast it with the debates on the Criminal Law Amendment Act in 1871, when the general feeling was that the meagre concessions then made were in advance of what trade unionists deserved. Now the tone of the debate was different. Suspicion and distrust seemed to be absent. The idea of doing justice and showing mercy appeared to be blended. Mr. Cross had dished the Whigs once again.

4. *The Press and the Labour Bills*.—One of the many odd things connected with the labour legislation of 1875 was the sudden conversion of the newspaper and journalistic press. Instead of denunciation there was general commendation. Those papers and journals which supported the Criminal Law Amendment Act, 1871, and which for the ensuing three years denounced trade union leaders, trade unions, and all their doings, supported Mr. Cross as though his present policy had been that of the journals, &c., aforesaid all the time. The *Times* described the attitude of employers as remarkable in acquiescing in the change. Indeed it was a remarkable turnover. But the employers' organ, *Capital and Labour*, did not acquiesce. It fought a manly battle, generally with good temper, always with ability, but sometimes with an acerbity characteristic of defeat. That paper fought valiantly for the employers ; the *Beehive* represented the trade unions and workmen. Outside of these the newspaper press took sides according to circumstances. As a general rule the attitude assumed was not wholly unfavourable. A change had come o'er the spirit of the dream. Instead of "slogging articles" against the tyranny of trade unions and bitter remarks against the leaders, there was tender-

ness of treatment quite unusual in its character. This attitude helped the Government and promoted the cause of labour. The fact is, the Press and the public had got a little tired of the question. Labour leaders had been much in evidence for ten or fifteen years. They could not be put down, but they could be quieted by legislative concessions, and for these the time had come.

5. *First Reading of Government Measures.*—Members of the House prudently abstained from discussing the Bills on the first reading. The Minister in charge of a measure always contrives to make a rose-coloured statement on such occasions; he minimises its defects and maximises its advantages. Members have not the actual proposals before them, so that any expression of opinion as to their merits is premature. On that occasion Mr. C. H. Hopwood said that “the law as it then stood was merely a trap for men who earnestly desired to keep within its provisions.” Lord Robert Montague, who had been converted to trade unionism by some of us in the early sixties, and had presided at one of our meetings in St. Martin’s Hall, urged that trade unions ought to have more power. Parliament had tried to put them down, but failed. Mr. Macdonald thanked the Home Secretary for redeeming pledges given, and Mr. Kinnaird thanked the Government for dealing with the subject.

6. *Second Reading.*—This stage was not reached until June 28th. Mr. Cross had, with the instincts of a true statesman, kept his “Civil Bill” (Employers and Workmen) well to the forefront. It presented the lines of least resistance. It proposed to abolish the penal provisions in the old Master and Servant Acts, and to substitute therefor civil procedure, remedies, and penalties. The Home Secretary wisely abstained from addressing the House on the second reading. He left his speech on the introduction of the Bills to explain his attitude, and did not feel called upon to supplement it. He had no desire to prolong the debate. The end of June had been reached, and time was of value if the measures were to be carried. Silence, then, was golden.

7. *The Debate*.—Lord Robert Montague led off the debate. He eulogised trade unions, and condemned the coercive legislation which applied to them. He thought that the Employers and Workmen Bill did not go far enough, and that the Conspiracy Bill was mischievous. Mr. Lowe followed in a speech at once conciliatory and critical. He suggested various amendments in the measures before the House, but stated that rather than risk not passing the Bills, he would not press them in the Committee state. He intimated the nature of his subsequent amendment, but did not express its terms. He deprecated class legislation as to labour, as regards threats, following, picketing, &c. ; these matters ought to be dealt with, and were dealt with by the General Law. His speech was broad, liberal, sagacious, and generally favourable to labour. Lord Elcho supported the measure, and at the same time eulogised his own Act of 1867. He claimed more for the Act than it deserved ; he quoted the *Times* as his authority for saying that “ it removed the last rag of inequality ” as between employers and employed—a strange statement, curious as an historical anachronism. Mr. Macdonald followed, and was less stinted in his praise than previous speakers. He assured the House that trade unions supported the measures, but advised some amendments in the details of the Bills. Mr. Tennant, as a large employer of labour, and Sir Charles Forster, representing a large working-class constituency, warmly supported the measures. Mr. Mundella criticised Lord Robert Montague’s speech, and complimented the Home Secretary. Mr. Cross replied. Messrs. W. E. Forster, Henry Vivian, Burt, McLaren, Newdegate, and Hopwood followed, when both Bills were read a second time, without a division, and committed for the following Monday, July 5th.

8. *The Committee Stage*.—The Bills did not reach the Committee stage until July 12th. On that date Mr. Lowe proposed to move an instruction to the Committee. On July 10th I sent out a “ whip ” to members of the House, requesting them to be present and to support Mr.

Lowe's instruction to the Committee on the Conspiracy and Protection of Property Bill.<sup>1</sup> (1) The instruction was not moved, as Mr. Lowe found that the motion was not in order, as "the Committee had power to amend the Criminal Law Amendment Act, 1871." In Committee : (a) *The Employers and Workmen Bill*: Messrs. Hopwood, Mundella, W. E. Forster, Sir Henry James, Lord Robert Montague, Mr. Serjeant Simon, and Mr. Lowe tried to limit the power of imprisonment, and were defeated by 182 to 162 : majority, 20 ; but a subsequent amendment modified the clause. In a further clause, imprisonment was lessened from a month maximum to fourteen days. Mr. W. E. Forster urged the omission of imprisonment from the Bill altogether. Some further amendments were made in the Bill, and, on the promise of Mr. Cross to consider Mr. Mundella's proposal as to fines and forfeitures, the Bill passed through Committee.

9. (b) *The Conspiracy and Protection of Property Bill*.—It is needless to follow in detail every clause of this Bill. Clauses 1, 2, and 3 were agreed to with some verbal amendments. On Clause 4 Mr. Lowe proposed to leave out the words "where a workman is employed," &c., and to substitute the words "where a person is legally bound, and is able to perform any duty," &c. The object was to make the clause general and applicable to the whole community, instead of to a section of workmen only. Mr. Cross expressed sympathy with the object, but could not accept the amendment. The amendment was then limited to the words "workman" or "person." Mr. Cross, in resuming the debate, admitted the principle of Mr. Lowe's amendment, but urged that its effect would be to extend the criminal provisions in the Bill to all persons, whether workmen or not. In this instance "the penal clause only related to workmen having to perform specific and onerous duties in connection with the supply of gas and water." He therefore opposed the amendment as a dangerous one. Sir William Harcourt contended that the penal clause

<sup>1</sup> See *Times*, July 12, 1875.

ought at least to extend to employers connected with the supply of gas and water, as well as to workmen. He favoured the substitution of "person" for "workman," and the omission of the words "contracts of service." Mr. Roebuck supported the clause. Mr. Dodson, Sir Henry James, and Mr. W. E. Forster supported the amendment, making "all persons" responsible equally for any such breach of contract. The amendment was thereupon agreed to—"person" being substituted for "workman."

10. *Further Amendment — Mr. Lowe.*—Mr. Lowe further moved to omit the words "employed by a Municipal Authority," and to insert the words "on whom is imposed the duty." Mr. Cross objected, but offered to accept an amendment suggested by Mr. Tennant. Sir William Harcourt, Mr. Dodson, Mr. Serjeant Simon, Sir Henry James, Mr. W. E. Forster, Mr. Mundella, the Marquis of Hartington, and Lord Robert Montague supported the amendment; the Solicitor-General, Mr. Hardcastle, and Mr. Walter opposed. On a division the amendment was lost by a majority of 19: for, 108; against, 127. An amendment by Lord Robert Montague was negatived by a majority of 181. An amendment by Mr. Cross was accepted. Mr. Lowe moved to omit the words "of service" after the word "contract"; defeated by 123 to 98: majority against, 25. An addition by Mr. Cross, requiring that a copy of the clause be printed and posted in a conspicuous place, was adopted, and Clause 4 was agreed to.

11. *Sir William Harcourt's Prediction.*—Clause 5: Mr. Macdonald moved to omit the words "an employer or a workman," and to substitute therefor "any person"; agreed to. An amendment by Mr. Forsyth, opposed by Mr. Cross, was negatived. An amendment by the Attorney-General was adopted. On the question "that the clause as amended stand part of the Bill," Sir William Harcourt protested, "on the ground that it applied to workmen only." He ventured to predict that it would leave as great a sore as that which it had

been their object to heal. After remarks by Mr. Mundella and Mr. Goldsmid, the Committee divided. For the clause, 174; against it, 130: majority for, 44.

12. *Picketing—Coercion*.—Clause 6: Mr. Hopwood moved that the word “coerce” be defined “to mean compel or force, otherwise than by persuasion, argument, or other peaceful means.” It was objected that it was out of place, and should be in the definition clause. Negatived by 214 to 119: majority against, 95. Clauses 6 and 7 were added to the Bill. Clause 8, relating to disorderly conduct within a factory, was opposed by Mr. Butt, Mr. Mundella, and Mr. W. E. Forster; Mr. Cross, who said that the clause was pressed upon him, consented to withdraw it, as it appeared not to be needed by employers. On Clause 9, Mr. Hopwood moved that “husbands or wives should be deemed competent witnesses”; this was accepted by Mr. Cross, subject to consideration on Report. Clause, as amended, adopted. Clause 10—definitions: Mr. Macdonald moved that all contracts be in writing; opposed and negatived. Mr. Jackson moved to substitute “contract of hiring” for “contract of service.” On the promise of its consideration on Report, the amendment was withdrawn. An amendment, as to the constitution of Courts of Summary Jurisdiction, by Lord Robert Montague, was assented to by Mr. Cross, and Clause 10 was carried.

13. *New Clauses*.—The remaining clauses of the Bill having been agreed to without dissent, the Committee proceeded to consider the proposed new clauses. Mr. Lowe had placed upon the notice paper a new clause, the object of which was to neutralise the provisions of the Criminal Law Amendment Act, but did not propose to repeal it. Upon arriving near to this stage, Mr. Cross left the House, and I went to meet him in the Lobby. He took my arm and led me down the corridor towards the library, then to the left corridor towards the Speaker’s entrance, flippantly called, in these more degenerate days, the “Lovers’ Walk,” leading to the ladies’ gallery. He



then said, "You have seen Mr. Lowe's amendment; I cannot accept that." I replied, "Why not put down one of your own, covering the same ground?" "Who is to draft it?" he asked. "Mr. R. S. Wright," I replied. He said, "I have his in my pocket—do you think it would be acceptable?" I replied that, not having seen the amendment, I could not say, but anything suggested by Mr. Wright would carry great weight. He partially explained, then returned to the House and moved his now historic amendment. He took the House by surprise. Mr. Lowe paid him a compliment, but suggested that the debate be adjourned in order to see the full effect of the amendment upon paper.<sup>1</sup> He moved to report progress; Mr. Mundella seconded. Mr. W. E. Forster and Mr. Macdonald supported, and after moving another clause for the repeal of certain Acts, Mr. Cross consented, and the subject stood adjourned—the clause in dispute having been meanwhile withdrawn, to conform to the usages of the House. The above incident corroborates Mr. Cross's statement that he had consulted both sides in reference to this matter. Doubtless he had consulted the employers' representatives as well as me, representing the Parliamentary Committee.

14. *Views of the Parliamentary Committee.*—I convened the Parliamentary Committee for July 14th to consider the situation as it then was. More progress had been made than was expected, so that we were able to review the position and resolve accordingly. Mr. George Odger presided. I reported fully all that had taken

<sup>1</sup> Alluding to the above incident, as disclosed in the House, the *Times*, "Leader," July 13, 1875, says: "When Mr. Lowe's new clause, in substitution for the 'picketing' clause of the Criminal Law Amendment Act, came on, at the end of the evening, Mr. Cross produced from his pocket additional sentences, and offered to accept Mr. Lowe's proposal provided they were prefixed to it." The Leader went on to say that Mr. Cross's words were not needed, and adds: "What Mr. Cross suggests is either included in the existing law, or would be covered by Mr. Lowe's clause; and, as we are satisfied that the latter would include every case of picketing as defined by the Recorder, we are content to accept it as it stands."

place in the House, and the negotiations which had paved the way for the new clause. I also reported that Mr. Cross had consented to schedule the enactments to be repealed—a matter upon which I had been insistent when others thought that the New Act would override existing legislation, even if not repealed. I was firm, however, and won over to my view not only the Parliamentary Committee, but some timid friends in the House, who thought that we might wreck the Bill if we persisted. At last I replied, “Better wreck the Bill, for the present, than allow those Acts to remain upon the Statute Book unrepealed.” This settled the matter, and Mr. Cross proposed a schedule of Acts to be repealed, no such schedule being in the Bill, or proposed, until the Committee stage. The Committee unanimously passed the following resolution :—

“That this Committee approve the clause of the Home Secretary which he proposed on Monday night (July 12, 1875) dealing with the Criminal Law Amendment Act, 1871, as a great step towards the full settlement of the agitation on the Labour Laws, as criminally applied, and believe that with a few verbal amendments, such as making the first part of the clause cover the latter portion, as well as the transposition of words, so as to make the clause definite and unmistakable in carrying out the intentions expressed in the Home Secretary’s speech, the measure will be such as to give satisfaction to large classes of working men all over the country.”

The foregoing resolution was sent to Mr. Cross and to the newspapers. The members of the Committee visited the Lobby on July 15th and 16th to interview members and answer questions.

*15. Repeal of Criminal Law Amendment Act.*—On July 16th, when the Committee resumed consideration of the Bill, Mr. Cross at once moved to repeal the Criminal Law Amendment Act, 1871. In a short and most conciliatory speech he expressed a hope that the proposal he had made, and the new clause which he would move, part of which was in the words of Mr. Lowe, would settle the matter in a way satisfactory alike to employers and workmen. Mr. Lowe expressed general satisfaction, but

objected to some words which imposed a heavier penalty than the general law provided even for the same offence. The repeal clause was then added to the Bill. Mr. Cross moved the new clause, in substitution for the Criminal Law Amendment Act ; it was read a first time. On the second reading Mr. Bristowe and Mr. Forsyth took exception to its ambiguity. Mr. Dodson and Mr. Mundella expressed qualified approval. Mr. Butt objected to its ambiguity. Sir William Harcourt preferred that it should have simply repealed the Criminal Law Amendment Act ; it was ambiguous, and went beyond the law as it stood. Mr. Gathorne Hardy supported the clause. Mr. Serjeant Simon and Mr. C. H. Hopwood deprecated it, as creating a new offence. The clause was then read a second time without a division. The opposition was confined to the specific character of the clause and to the creation of a new offence in relation to workmen—in combination.

16. *New Clause in Committee.*—Mr. Hopwood proposed to substitute “such” for “any,” with the view of limiting the operation of the clause. Mr. W. E. Forster supported. The Attorney-General opposed. Mr. Bristowe supported, as it created a new offence. Mr. Cross defended the clause, as did Mr. Cawley. Mr. W. E. Forster, Sir William Harcourt, Mr. Hopwood, and Mr. Jenkins supported the amendment. Committee divided : For the amendment, 112 ; against, 225 : majority for the clause, 113. Mr. Butt moved a further amendment, supported by Mr. Lloyd and Mr. W. E. Forster ; Mr. Cross opposed ; lost by 104 to 241 : majority against, 137. Amendments by Mr. Bristowe and Mr. W. E. Forster were carried without dissent. Further amendment by Mr. Hopwood, supported by Mr. Burt, was opposed by Mr. Cross ; amendment lost by 264 to 100 : majority against, 164. An amendment by Mr. Mundella was accepted, and the clause as amended was added to the Bill. The preamble was then agreed to, and the Bill, as amended, was ordered to be reported to the House, amid cheers.

17. *Employers and Workmen Bill—Report.*—This Bill was reported to the House (on same day, July 16th) with amendments by the Home Secretary. His proposals were agreed to without a division, Mr. Mundella and the Marquis of Hartington paying a tribute of respect to Mr. Cross for his concessions, and his desire to pass a measure satisfactory to the mass of the people. The noble lord justified the course taken by the Opposition, whose object it was to make the Bill such as to give general satisfaction. An objectionable provision in the Bill as introduced had been amended, and all concurred in supporting it as it now stood.

18. *Conspiracy, &c., Bill—Report.*—The Bill was reported to the House with amendments on July 20th. Mr. W. Holmes moved to insert after “service,” “or other contract” in Clause 4, the object being to make the clause general in its application. Mr. Cross objected to the amendment ; Mr. W. E. Forster supported it. Mr. Lowe also supported. He declared that he “felt humiliated to be a member of a Parliament which passed such a Bill.” Mr. Serjeant Simon followed on the same lines. Mr. Talbot supported the clause. Sir William Harcourt warmly supported the amendment, as did also Mr. Whalley and Lord Robert Montague. Division : For the amendment, 88 ; against, 100 : majority against, 12. In Clause 5 Sir John Lubbock moved to omit the words “of service.” The Attorney-General opposed. Division : For the amendment, 100 ; against, 137 : majority against, 37. Clause 8. Sir William Harcourt moved an amendment as regards picketing ; Mr. Alexander Macdonald seconded ; Mr. Serjeant Simon and Lord Eslington supported ; Mr. Cross objected ; Mr. Scourfield and Mr. Hopwood criticised the clause ; Mr. MacIver supported the clause. Mr. W. E. Forster and Mr. Meldon also spoke, when the House divided. For the amendment, 91 ; against it, 219 : majority against, 128. On Clause 13 Mr. Plimsoll moved an amendment in an impassioned speech, fortified with facts and figures, respecting the loss of life at sea and the imprisonment of seamen because

they refused to sail in coffin-ships. His amendment was declared to be irrelevant to the clause, and he withdrew it, but he had made a speech which drew a compliment from Mr. Cross, though he was not able to assent to the amendment. The Bill was then reported to the House, with amendments.

19. *Congratulations.*—The Home Secretary was widely congratulated upon his success. Party newspapers of course tried to belittle his share of the work, others to belittle the part taken by the Opposition; all admitted a great victory if they differed as to the relative merits of the fighters. In the House of Commons Mr. Cross was ungrudgingly praised by the Opposition, even while exception was taken to certain parts of the Bill. I, as the representative and mouthpiece of the Parliamentary Committee, and of the mass of the workers through them, shared in the congratulations, not so much in the Press as in the Lobby of the House of Commons. One of the first to shake me by the hand and heartily to congratulate me was the Editor of *Capital and Labour*—the representative in the Lobby of the National Federation of Employers.<sup>1</sup> Everywhere the passing of the measures was declared to be the “workmen’s victory.” Many members of the House warmly congratulated me. Mr. W. E. Forster, who had been the medium of communication between Mr. Lowe and myself, did so on his own behalf and that of Mr. Lowe. Messrs. S. Morley, A. J. Mundella, Macdonald, Burt, Serjeant Simon, and others, added their words of kind encouragement for the success achieved.

20. *Labour Laws in the Lords.*—The third reading of the Bills in the House of Commons requires no comment, as they were unopposed. In the House of Lords the Employers and Workmen Bill was passed without material change and with very little discussion. One amendment provided a set-off favourable to factory operatives absent-

<sup>1</sup> When I published, a year later, my “Handy-Book of the Labour Laws” no more generous tribute was paid to me than the review in *Capital and Labour*, on July 12, 1876.

ing themselves from work, deductions from wages due being limited to the amount of damage, if any, &c.

21. *Conspiracy, &c., Bill in the Lords.*—The Lord Chancellor moved the second reading of this Bill on July 26th, explaining its provisions. He gave notice that the Government intended to propose amendments upon Clause 8 to meet objections raised in the House of Commons. The Committee stage followed on July 29th, when a new clause was substituted for Clause 8 in the Bill as it left the Commons. The clause was wholly reconstructed. It would be difficult to explain the difference except by a reproduction of both, and, as the differences were mainly technical, the reader might be confused by the comparison, even if assisted by a critical explanation. I prefer, therefore, to rely upon the criticism of the friends of Labour in the House of Commons when the Lords' amendments were considered. A clause was introduced giving power to the justices or court to reduce the penalties to not less than one-fourth. The other clauses were agreed to, and the Bill was reported. Upon consideration of the report (August 2nd) Lord Rosebery moved to omit the words "of service" in Clause 4. The Lord Chancellor opposed. On a division it was rejected by 24 to 17. On the third reading the Lord Chancellor moved that the word "maliciously" should be construed as in the Malicious Injuries to Property Act. Agreed to, and Bill sent to the Commons.

22. *Consideration of Lords' Amendments.*—August 7th; Mr. Lowe expressed doubt whether the Bill as sent to the Lords was not better than that before them. Two new offences were introduced, and the changes made would give rise to much litigation. He moved the omission of the words "or intimidates." This was supported by Mr. Mundella, Mr. Hopwood, and Sir Henry James; it was opposed by Mr. Cross and Mr. Gathorne Hardy. Rejected by 52 to 40. Mr. Edw. Jenkins moved to insert, after the word "intimidates," the words "by threats of personal violence or injury." Mr. Cross opposed; rejected by 53 to 42. An amendment by Mr. Lowe to

strike out words in the last paragraph which, by implication, constituted a new offence, namely, "attending" to intimidate, was agreed to. Mr. Mundella moved to insert the words "or peacefully to persuade" after the word "information"; rejected by 53 to 41. Mr. Lowe then said that the Opposition intended to divide against the clause as it stood. He read one which they desired to see substituted. Mr. Cross and Mr. Mellor opposed; the House divided. For the Lords' amendments, 55; against, 41: majority, 14. The Commons' amendments were considered by the Lords on August 11th and agreed to. The Royal Assent was given to both Bills on August 13th, and they passed into law. It is a curious fact that, although the Employers and Workmen Act was kept to the front all through the debates, and was the first to be passed by Commons and Lords, the Royal Assent was not given until after the Conspiracy and Protection of Property Act had passed; the latter Act is 38 & 39 Vict., c. 86, whereas the former is c. 90, in the Acts of the Session.

23. *Friends and Helpers*.—Mr. Cross (now Lord Cross) undoubtedly deserves every credit for his share in the work. I pass over his opposition to certain amendments; he was the Minister in charge, one of the Cabinet; he had to reconcile divergencies; he withstood firmly, but courteously, where he must; he conceded gracefully where he could. He was always most courteous to me personally, though he knew that I was strenuous for the utmost concessions possible. The ex-Ministers to whom we owed most and much were Mr. Lowe (afterwards Lord Sherbrooke), Mr. W. E. Forster, and for support the Marquis of Hartington. The two former did most of the work. Sir Henry James (now Lord James of Hereford) and Sir William Harcourt—ex-Law Officers of the Crown—stood by us loyally from first to last. Among members of Parliament, Messrs. Mundella, Hopwood, Macdonald, Burt, Lord Robert Montague, Serjeant Simon, Sir John Lubbock, S. Morley, W. Rathbone, Butt, and Bristowe, deserve mention for persistently endeavouring to improve the measures. Outside the House, Messrs. Harrison,

Crompton, Hughes, R. S. Wright, and Professor Beesly always gave valuable help. The names of those mentioned deserve to be remembered as friends of labour when they were few and the cause was not popular.

24. *Objects and Attainments*.—We never regarded the Labour Laws of 1875 as perfect. Our desire was to abolish class legislation, and to bring all, without distinction, within the general law of the land. We did not condone offences, or complain of equitable punishments, when offences were committed ; but we did urge equality before the law in all cases. All the amendments proposed to the clauses of the Bills had this object, those accepted and defeated alike. We obtained much—as much as was possible under the circumstances. To have pressed for more would have endangered the measures. We knew too well the value of the concessions made to risk defeat and delay. Some of our opponents may have desired this ; our friends would not face the danger. They were right. The Parliamentary Committee were in accord, and we welcomed the legislation as finally carried.

25. *"Digest of Labour Laws."*—Mr. Henry Crompton prepared a digest of the two Acts for the Parliamentary Committee and the Trades Union Congress. It is too long to reproduce, but its tone and character deserve to be indicated.<sup>1</sup> He said : "The two statutes constitute a most important change in the laws affecting labour." "The Trade Union Act is not touched. This remains as it was and retains its former importance, making trade unions legal instead of illegal societies, and preventing their members being liable, as formerly, to prosecution for conspiracy." "The Trade Union Act should be kept as it is, in a distinct shape, to be carefully watched and maintained as a charter, and its provisions should not, as recently proposed, be embodied in any other statute." "The new laws are satisfactory in principle. Some of their provisions concede even more than had been demanded. They are conceived in a generous spirit. If

<sup>1</sup> The digest is given in full in the first and second editions of "The Handy-Book of the Labour Laws," published in 1876.



they are interpreted in the same spirit there will be little room for dissatisfaction." In any case "the Acts can only be regarded in the light of a complete victory all along the line." Then follows a critical examination of the provisions of the Employers and Workmen Act, which he warmly commended, very little fault being found.

26. *The Conspiracy Act.*—Mr. Crompton pointed out how the law of conspiracy was applied to all labour combinations. The Trade Union Act legalised combinations, but the judges decided that the means used in furtherance of their objects might be regarded as a conspiracy. "The judges, in effect, tore up the remedial statute, and each decision went further and developed new dangers." He went on to say that "the new law takes this legislative power out of the hands of the judges." "The Trade Union Act legalises workmen's combinations, this clause legalises all acts done in furtherance of the combination that are not crimes when done by one man. The common law of conspiracy as affecting trade disputes has, in fact, been abolished." After some critical remarks upon several sections, Mr. Crompton said: "The new laws . . . constitute a great measure, justly conceived and justly carried into execution." He further said that "the new section (the substitute for the Criminal Law Amendment Act) is general in form, applying to all citizens alike." "Even if judicial decisions are adverse, the two statutes constitute a great and generous measure of justice." In conclusion he expressed "appreciation of Mr. Cross's attitude towards the workmen and those who have worked for the emancipation of labour."

27. *Mr. Crompton's Digest Approved.*—Mr. Crompton's paper was submitted in proof to Mr. Harrison and to the members of the Parliamentary Committee. The former wrote: "I have considered the above statement, and concur in it generally."—Signed, FREDERIC HARRISON. The Committee said: "The Parliamentary Committee have carefully read the above digest of the new labour laws by Mr. Henry Crompton, and heartily endorse its conclusions, and hope that it will be carefully perused by

all those who are interested in these questions.”—Signed by Robert Knight, chairman ; George Odger, vice-chairman ; Daniel Guile, treasurer ; Henry Broadhurst, George Shipton, William Rolley, J. D. Prior, John Kane, Thomas Halliday, Thomas Birtwistle, and George Howell, secretary.

28. *Other Comments on the Acts.*—I should not be justified in giving my own opinion expressed at the time, except that words have often been attributed to me at political meetings that I did not use, and I have frequently been appealed to either to confirm or deny them. What I did say in the preface to my “Handy-Book of the Labour Laws,” early in 1876, I here reproduce : “I regard these Acts as a great boon to the industrial classes—as, in fact, the charter of their social and industrial freedom, the full value of which is not yet understood or appreciated. If administered in the same frank and just spirit with which they were conceived and passed by the Legislature, they will be found to fully cover the demands made by thoughtful and intelligent workmen through long years of earnest agitation.” I abate not one jot, in any particular, in respect of the opinions then expressed. As regards the newspaper press, many were profuse in their commendation of Mr. Cross and his two measures ; but for the most part they did not help us in our work, as is pointed out in the Parliamentary Committee’s Report for 1875, presented to the Glasgow Congress. The *Times* did, in fact, support Mr. Lowe’s proposal as against that of Mr. Cross in the Picketing Clause, and also the removal from the Employers and Workmen Bill of the penalty of imprisonment, except as provided in other cases for non-payment of damages, or refusal to obey an order of the court. The one noticeable thing in the Press was the absence of abuse of trade unionists during the debates on the Bills. They seem to have taken their tone from Mr. Cross’s speech. This did much to facilitate the passing of the measures.

29. *Trades Congress, Glasgow, 1875.*—The Eighth Annual Trades Union Congress met in Glasgow, October

11th to 16th inclusive. The proceedings centred in the report of the Parliamentary Committee, which I, as secretary, read. A hearty and unanimous vote of thanks was accorded to that Committee for its services. On my motion a cordial vote of thanks was unanimously passed to Mr. Crompton for his able Digest of the Labour Laws. By the request of the Parliamentary Committee, I moved a vote of thanks to Mr. Cross, the Home Secretary, for the way in which he had steered the Labour Laws through Parliament. This was seconded by Mr. Crockett, of Dundee, and supported by Mr. Robert Knight and Mr. Daniel Guile. A direct negative was moved and seconded by two delegates, from Glasgow and Boston respectively. Thirteen other speakers followed, four of whom supported the amendment and nine the resolution. Mr. George Odger, in supporting the vote of thanks, said: "Those laws, which Mr. Cross had carried through last Session, were, of all the laws he ever was acquainted with, the very best affecting the labouring population of this country. If they were to depart from thanking a Minister for the greatest boon ever given to the sons of toil, their ingratitude would be the most conspicuous that ever disgraced the annals of labour." Mr. Howell, in replying to the speeches against the motion, said: "Mr. Cross had liberated the working men of England from the last vestige of the Criminal Laws specially appertaining to labour." "The vote of thanks was carried amid great applause, only three or four voting against the motion."<sup>1</sup> Copy of the resolution was sent to Mr. Cross.

30. *The Right to Sue and be Sued.*—Mr. J. D. Prior moved the adoption of the memorial to Sir Stafford Northcote, Chancellor of the Exchequer, in favour of certain amendments in the Trade Union Act, 1871. The amendments proposed were set out in the memorial; they had been, in fact, embodied in the Friendly Societies' Act. Mr. Bailey, of Preston, seconded the motion. A Scotch delegate proposed: "That an addition be made to

<sup>1</sup> Extracts from the Trades Union Congress Report, published by the Parliamentary Committee, 1875.

the memorial to the effect that trade societies should have the right to sue and be sued." As I was able to throw some light upon the question, I give a further extract from the report : "Mr. George Howell said this question had been considered on several occasions. When the Friendly Societies' Bill was before Parliament representatives of all the societies which had taken advantage of the Trade Union Act were called together, and after full discussion of the subject there was not a single delegate who declared in favour of the change proposed." A delegate from Glasgow said that the Scotch unions favoured such a clause. But two other delegates from Glasgow said they were opposed to such a clause, while one other supported it. Mr. Odger and others opposed. On being put to the vote the amendment was negatived, only three voting for it. The motion was then carried.<sup>1</sup>

31. *Other Resolves of Congress.*—Resolutions were carried in favour of compensation for injuries caused by accidents ; for the reform of the Jury Laws and payment of juries ; reform of summary jurisdiction of magistrates ; amendment of Small Penalties' Act ; Extension of Workshops' Acts, and appointment of working persons as inspectors ; the abolition of truck ; in support of Mr. Plimsoll's Merchant Shipping Bills ; of labour representation in Parliament ; arbitration in labour disputes ; reform of patent laws ; abolition of "sweating" ; organisation of women's labour ; in condemnation of Admiralty circular on the slave trade ; in opposition of over-sizing cotton goods ; in favour of a Boiler Explosions Bill ; of extending the franchise ; of international arbitration ; repeal of high tariff duties in India ; and in condemnation of the prosecution of bakers under the Smoke Nuisance Act.

32. *Votes of Thanks, Constitution of Congress, &c.*—"A special vote of thanks was accorded to Mr. George Howell for his services as secretary during the last six years," on the motion of Mr. Knight, seconded by Mr. Guile ; carried unanimously. A vote of thanks was also voted unanimously to Mr. Guile as treasurer. I had

<sup>1</sup> See Chap. XX. par. 11.

resigned as secretary, my health having broken down by overwork, illness at home, and need of rest. I had accomplished my self-imposed task of seeing labour freed from class-made, special criminal laws affecting the working classes. The Trade Union Act, 1871, Amendment Act of 1876 was carried on the lines I had laid down in the memorial to the Home Secretary, and urged by deputations upon the Government. The Congress of 1875 was composed of 139 delegates, representing 109 societies with an aggregate of 539,823 members. The total income of Congress during the six years I acted as secretary to the Parliamentary Committee was £1,525 6s. 8d.; expenditure, £1,521 13s. 2d.; balance in treasurer's hands, £4 3s. 5d. Of the aggregate expenditure, £460 17s. covered all salaries, clerical work, rent of offices, fuel, light, rates and taxes for the entire period, or, say, £92 3s. 5d. per year; the remainder was expended on printing, stationery, postages, parcels, and telegrams, Parliamentary papers, travelling and Committee's expenses, and public meetings.

33. *Anticipations and Results.*—Looking back over more than a quarter of a century since the Labour Laws were passed, one can see that our expectations have not been wholly realised. But we foresaw the possibility of administrative difficulties, of judge-made law, by decisions in particular cases. Sir William Harcourt predicted such in his speech in the House of Commons, and Mr. Henry Crompton intimated such possibilities in his Digest of 1875. But there has been no such criminal prosecutions as under the older laws, or under the Criminal Law Amendment Act, 1871. Indeed, for fifteen years—1875 to 1890—there were but few complaints as to the operation of such laws, and where complaints arose the cases were not taken to the higher courts. Mr. Cross deserves some credit for the smooth working of the Acts in the Summary Jurisdiction Courts by sending out, at my suggestion, copies of the Acts to all Justices of the Peace and other magistrates, probably also to the judges, certainly of the County Courts. Mr. Lowe, Mr. W. E. Forster,

Sir William Harcourt, Sir Henry James, Mr. Hopwood, and others mentioned probable difficulties in interpreting the Acts by reason of faulty wording ; their prognostications have proven true. But the Acts remain unassailed upon this point, that criminal prosecutions have been comparatively few in twenty-five years. The newer phase of civil actions for damages is one to be met, grappled with, and dealt with in the spirit of broad justice as between man and man. If trade unions demand what is right, and do what is right, the legislature in the twentieth century cannot withhold justice. But the right to do wrong cannot be conceded, however loud the clamour or persistent the demand.

## CHAPTER XXXVI

LABOUR MOVEMENTS AND LABOUR LEGISLATION,  
1876 TO 1890

WITH the passing of the Labour Laws, 1875, and the amendment of the Trade Union Act in 1876, there was a lull in agitation. The stress and strain of the previous five years—indeed, I might call it ten, or even fifteen years, for the agitation began to become acute in 1859—could not be actively endured. Besides, there was little occasion. The Labour Laws were accepted by the public as the rightful thing, and they rejoiced that one irritating subject had been got out of the way. The Press accepted the situation gracefully—so gracefully, in fact, that the victory almost appeared to be due to its sympathetic advocacy, from its jubilant tone. Political parties were relieved, and each claimed a share in the victory. The relative claims have not yet been adjusted, but this narrative will help to award to each its full meed of praise or blame, as the case may be. (Employers accepted the settlement with dignity and good feeling, though probably with a fear lest too much had been conceded.) But there was no bitterness of feeling as regards defeat. This was indeed a good sign ; it augured well for the future. The path was cleared ; obstacles had been removed ; equality of rights had equalised duties and responsibilities. The tone of public opinion had been modulated to the chords of Mr. Cross's speeches and Acts. (Labour leaders were no longer tabooed.) It remained with the unions to continue the good feeling

engendered by the action of the legislature, and with the courts of law to maintain it.

1. *Mr. Bright and the Labour Laws.*—In a previous chapter<sup>1</sup> I hinted that probably Mr. John Bright was one in Mr. Gladstone's Cabinet who had opposed dealing with the Criminal Law Amendment Act, 1871, at least to its repeal. The following incident will, I think, justify my conclusion. In 1873 I was deputed, with Mr. E. S. Pryce, Mr. Samuel Morley's private secretary, to wait upon Mr. Bright with reference to Mr. Trevellyan's motion on the Franchise. We met Mr. Bright at his chambers in Piccadilly early in the morning, and our business in that connection was soon ended to our satisfaction. Mr. Bright then turned to me with a severity I had never witnessed in him before, and accused me and my colleagues of harassing Mr. Gladstone and his Government over the Labour Laws. I defended myself and colleagues quite as warmly as Mr. Bright had assailed us. My companion, Mr. Pryce, who was a most mild-mannered man, looked quite surprised at our warmth, and was uneasy as to its issue. Mr. Bright defended the Act as necessary to ensure freedom for non-union men, quoting his own experiences when he lived in Hanover Street (No. 4) in connection with the tailors' strike. I denounced the Act as unnecessary and as a class-made law. Did I defend intimidation and coercion? he asked. "No," replied I, "but the general law is sufficient, or, if it be not, strengthen it, and we will not complain."

Mr. Bright contended that we made heroes of men who broke the law. I retorted that the law made martyrs of the men, and *that* evoked our sympathy. In the course of further heated discussion I said, "Well, Mr. Bright, if we are wrong in our action, we have to thank our teachers, Mr. Cobden and Mr. Bright." "How?" he asked, surprised. "In this way," said I. "You have taught us that just and equal laws demand our respect as well as obedience. Let the laws in this connection be just and equal, and the working classes will obey them." I

<sup>1</sup> See Chap. XXXIII. par. 3.



cited instances in support of my contention. The interview lasted nearly an hour, and, at parting, Mr. Bright said, with more suavity and kindness, "Well, Howell, I wish I could believe what you say, then my views would be modified." We parted in our usual friendly manner; but Mr. Pryce, when outside, said, "Your heated discussion astonished me." Mr. Bright did not recur to the conversation until quite a year after the passing of the Labour Laws, in 1875, when, meeting him at the House, he said, "Your view of the Labour Laws was the right one. There seems to be less friction, less need for stringent measures. You saw that Mr. Gladstone, in his Greenwich address, intended to deal with the question." "Yes, Mr. Bright," I replied, "but it was then too late." "Well," he said, "we cannot always be wise in time." I agreed, but added, "I felt that I could predict what would happen in certain cases with the same certainty as you could. The cases differed, but the principles were the same."<sup>1</sup>

2. *Depression in Trade: Reductions in Wages.*—The unexampled flush in trade in the early seventies was followed by depression such as had not been experienced for many years. Great fortunes had been amassed speedily; wages went up to an unprecedented level; there was prosperity in the land, in which all, or nearly

<sup>1</sup> When Mr. Bright returned to public life as member for Birmingham and commenced his campaign in favour of Parliamentary reform, in 1857, he came into closer contact with some of the then labour leaders than he had been previously. As a result of our interviews he modified some of his opinions on trade unions. He made three or four references to them in his collected speeches, but here is an extract from one not included in that collection: "It has never yet been proved that trade unions or that strikes are always bad. . . . The strike is the reserved power; and if I were a working man I should never say that I would surrender my right, in combination with others, to take such steps as are legal and moral for the advancement of my interests and the interests of those who worked with me" (Reform Meeting in Manchester, April 12, 1860). The meeting he addressed in St. James's Hall, London, on the American War, March 26, 1863, was convened by the labour leaders and trade union officials in London, and he complimented them upon it.

all, shared. The coal and iron and steel industries had been among the most prosperous, and in these the fall in prices was most felt. The building trades were busy for two or three years after the depression begun, but these also felt the pinch. There was scarcely an industry that did not suffer from the fall in prices and the contraction in trade. The position seemed worse than it really was by reason of the contrast of the years of plenty with the lean years that followed. With reduced profits came reductions in wages, more or less resisted, but without avail. Lower wages might have been borne if employment had continued fairly good. But the lists of unemployed in the chief trade unions had so increased that fears were entertained lest the strain on the funds should become unbearable. The depression reached its lowest level in 1879, in which year there was sadness and gloom, distress and privation in many districts of the land. The younger men of to-day can have no conception of the fearful struggles in the five years, 1875-9. The decline of England was deplored, its ruin as a great industrial nation was predicted. The "Eastern Question," the "Scientific Frontier," and "Peace with Honour" were alleged as causes of the "Depression in Trade," and so also were Free Trade and the Protective Tariffs of other nations.

3. *Unemployed Benefit Paid by Trade Unions.*—As an indication of the state of affairs I give two or three instances of the drain upon trade union funds in support of the unemployed, apart from sick, accident, superannuation and funeral benefits. (1) The Amalgamated Society of Engineers paid to its out-of-work members in the five years, 1870-74, £97,096; in 1875-79, £356,749; and in benevolent grants to distressed members in 1870-74, £7,683; in 1875-79, £20,982—an increase under the two heads of £272,952 in the five years. (2) Boiler-makers and Iron Shipbuilders: Out-of-work benefit, 1870-74, £8,788; in 1875-79, £98,191: increase, £89,403. (3) Ironfounders: Out-of-work benefit, 1870-1874, £43,152; in 1875-79, £151,936: increase in the five years, £108,784. (4) As before remarked, the

building trades did not suffer so much until 1878 and 1879. The expenditure in out-of-work benefit in the Amalgamated Society of Carpenters and Joiners increased from £7,168 in 1876 and 1877 to £38,406 in 1878-79. The instances above given represent, in proportion to numbers, the position in all trade unions paying out-of-work benefit. With such a huge army of unemployed members of unions, to say nothing of non-unionists, it is not surprising that wages went down. Labour had been at a premium, now it was at a discount. Instead of employers seeking men, the latter were seeking employment; and there are few sadder sights in this world than to see able and willing workers idle from no fault of their own, rendered all the more sad by the knowledge that privation invades the home.

4. *Labour Disputes*.—At such a crisis in commerce and trade a series of strikes more or less serious might be said to have been inevitable. A lengthy account of any that took place at that time is not necessary, but the mention of a few is essential, as the conditions were somewhat changed owing to the enactment of the Labour Laws. We see them in operation at a critical time—a period of stress and strain, a test not without special interest both to those who espoused and those who opposed those laws. The strikes were for the most part defensive—that is, they were in defence of the existing rates of wages, hours of labour, and conditions of employment—but there were exceptions; I therefore refer to some of both.<sup>1</sup>

(a) The masons' strike at the Law Courts in London, in 1877, was for an advance in wages of a penny per hour and the reduction of working hours from 52½ to 50 hours per week. The demands were first made in 1875, but action was delayed. On January 27 1877, a memorial was presented to the master builders of London, in which it was intimated that the masons required the concessions demanded on or before June 30th. After some months' delay the masters were reminded of the memorial, and a reply was requested. On June 17th

<sup>1</sup> See "Great Strikes," *Co-operative Annual*, 1889.

the masters refused to comply, as they had done in 1875. Their plea was that the state of trade did not warrant an advance in wages or reduction in hours. A conference took place on July 26th, but no settlement was arrived at. On the 30th the men struck, about 1,700 ceasing work. The strike lasted thirty-three weeks, the demands of the men being withdrawn on March 18, 1878. The cost of that strike was £26,206 17s. 5d., irrespective of losses in wages and employers' losses. It was conducted in a peaceable and orderly manner, in spite of the fact that foreign workmen were imported from Germany, Holland, Italy, France, Canada, and America. A good deal of feeling was evoked, and picketing was continuously resorted to, but no police cases occurred.

(b) The engineers' strike at Erith, which commenced on December 8, 1875, did not end until May, 1877. The dispute arose over the extension of piecework, any branch of the Amalgamated Society of Engineers being empowered to take immediate action as regards the extension of piecework and overtime by resolutions passed at a general conference held in Manchester, July 29, 1872. In this case several men were prosecuted for picketing. The employers at first thought of a lock-out, but this was abandoned. Instead, on January 22, 1876, the old "document" system was reintroduced, as in 1851. Indeed, the disputes resembled each other in many respects, both as to the demands and the mode of resistance. Towards the close of 1878 the engineering employers in London contemplated an attack upon the nine hours' system; the officials of the union heard of it, and promptly issued a manifesto, which killed the project. Instead, the employers gave notice of a reduction in wages of  $7\frac{1}{2}$  per cent. The strike began the first week in February, 1879, but it was only partial, as only some 1,000 out of 8,300 men came out; the number of firms actually involved was reduced to about a dozen. At the close of the strike seven shops out of 293 establishments worked at the reduction, the others paid the old rates of wages. But the cost of

the strike was £28,875, exclusive of losses by men and masters.

(c) The strike and lock-out of shipwrights, boiler-makers and iron shipbuilders on the Clyde, in 1877, attracted a good deal of attention at the time, to the banks of which, and of the Tyne, much of the shipbuilding formerly on the Thames had been transferred during the previous decade. In March, 1877, the operatives in the shipbuilding trades gave notice of a demand for an increase in wages of 15 per cent. The employers refused, on the ground that the state of trade did not warrant it. All sections, except the shipwrights, practically abandoned the demand, but the shipwrights and ship-carpenters persisted in it; on April 3rd these, to the number of about 3,000, came out on strike, thereby throwing some 1,400 other men idle. After continuing seven weeks the shipbuilders determined upon a lock-out, which took place on May 19th, when about 10,000 men were idle; by the end of May these had increased to 35,000 persons. The strike and lock-out lasted twenty-three weeks; the total losses were estimated at £312,000, and the cost to the unions £150,000. The Boilermakers' Society alone paid £13,000 to their out-of-work members. Many efforts were made to effect a settlement by conciliation and negotiation, and at last the question was referred to arbitration. The result was a compromise between the parties, the terms agreed upon being extended from Glasgow to Dumbarton and Greenock, all branches of the shipbuilding trades being included in the settlement. The struggle was severe, prolonged, and costly, but there were few complaints of coercion, no cases arising involving legal proceedings in the courts.

(d) Cotton operatives' strikes took place in 1877 and 1878 against reductions in wages. Trade was dull, and prices were low, and, in the last six months of 1877, reductions in wages were made, resistance being without success. In August some 1,800 operatives struck at Bolton, with the result that about 10,000 other hands were thrown idle. The strike lasted eight weeks; it cost

£20,000, and involved losses to the extent of from £80,000 to £100,000. It caused deep distress, some 12,000 families having to be relieved in one way or another. Strikes, similar in character, also took place at Blackburn, Ashton-under-Lyne, Royton and Moseley, and one at Oldham was only averted by the promise of a revised list, also promised at Bolton. In November, 1877, the mill-owners decreed a general reduction of 5 per cent. on and from January 2, 1878. Local notices had been given in many districts of reductions prior to that date. There was some delay in enforcing the reduction; both sides hesitated to enter into the struggle. In some places the reduction was accepted without a strike, but at Oldham, about 1,000 weavers struck, on February 15th; this led to a lock-out of 5,000 operatives, affecting, it was estimated, 30,000 persons. After lasting five weeks the weavers resumed work on the employers' terms. On March 20th a final notice of 10 per cent. reduction was issued, to expire on April 10th. Those notices affected 350,000 looms. On April 17th about 100,000 operatives ceased work, increased to 120,000 at the end of another week. By the middle of May the official reduced numbers were 70,000 on strike and locked out, involving some 200,000 persons. The number of looms idle was 130,000, and about 8,700,000 spindles.

The strike and lock-out continued nine weeks, when the operatives decided to resume work at the 10 per cent. reduction, though, in some districts, the contest was prolonged for a short time. The strike and lock-out was restricted, but the whole of the cotton industry was involved, over a wide area, some 300,000 persons being involved directly and indirectly. The money loss in wages alone was estimated at £75,000 per week; the aggregate loss to employers, work people, and tradespeople was estimated at £2,700,000. The distress and suffering were intense; poor-law relief was resorted to in many parishes, though in some it was refused. The saddest feature in connection with that gigantic labour struggle, from a trade union point of view, was the rioting

and violence which occurred. Mills were set on fire ; the house of Mr. Ransford Jackson was wrecked and burnt ; Mr. Jonathan Rogerson, secretary of the Blackburn Trades Council, was blinded by corrosive liquid thrown in his face. In Blackburn and Preston sixty-eight persons were indicted, tried, convicted, and sentenced : two to fifteen years' penal servitude, one to ten years, and three to seven years ; the others to various terms of imprisonment. Some districts averted the misery of a lock-out, by timely concessions ; but the operatives had to submit to the full reduction of 10 per cent. in all cases. The blow was a severe one, and much exasperation was evoked ; hence the violence. It was the worst that had occurred since the Labour Laws had passed, and no such widespread scenes of violence have been enacted since. Happily a better feeling exists throughout Lancashire to-day.

(e) The strike of carpenters and joiners in Manchester, and several other large towns in Lancashire, in 1877-78 was memorable by reason of its duration, the numbers involved, and its cost and losses. The depression in trade, which began to develop in 1875, did not affect the building trades to any extent until 1878, or 1879. Work was plentiful in 1877 when the joiners of Manchester, Liverpool, Bolton, Oldham, Warrington, and Wigan gave notice of a demand for an increase of wages from 8½d. to 10d. per hour, early in 1877, together with a reduction of working hours from 52 to 49½ hours per week. May 1st was the date fixed for the expiry of the notices. The master builders met on February 12th to consider the demand, when they resolved to defer action for a month. On March 12th they again met, when it was resolved to support the employers whose men went out on strike, but an offer was made of an advance of a halfpenny per hour, with sixpence extra beyond certain distances. On April 30th the operatives refused the concession. On the following day, May 1st, about 3,500 men struck work. The contest lasted a whole year, at a cost of £80,000, besides losses in wages and profits of £300,000. The men were ultimately beaten ; even the halfpenny offered

was lost. A significant feature in connection with this strike was the use of local Acts to put down picketing. The men were kept moving by the police, and charges of obstruction were made under those local Acts. Otherwise the strike was free from coercion, though men were imported, some even from the United States, and many from other districts where trade had fallen off, which importations always evoke resentment.

(f) Miners' strikes were numerous, and stubbornly fought, at that period. They were defensive to this extent—the miners resisted reductions in wages, which had been abnormally high in 1872–73. (1) The first strike of the series took place in Yorkshire, in October, 1874, against an attempted reduction in wages of 25 per cent. About 20,000 coal miners were involved in the dispute; it lasted six weeks, and cost about £40,000. The estimated losses were £150,000. It was eventually settled by arbitration, at a reduction of  $12\frac{1}{2}$  per cent., or one-half the amount sought to be enforced by the coal owners. A second strike occurred in 1885, when a further reduction of 10 per cent. was demanded. It lasted nine weeks; 20,000 men and boys were involved; it cost the union £10,000; the losses in wages and profits were estimated at £100,000. This strike was mainly caused by non-union men, the officials of the union being averse to it; then the non-union men returned to work, as the union could not sufficiently provide for them. (2) The Northumberland miners struck against a reduction, all told, in wages of 25 per cent., in May, 1877. Questions of rent and fuel were involved in the contest. Nearly the whole of the forty collieries in the county, employing 21,250 persons, were involved. The strike lasted eight weeks, cost the union £56,000, the total losses being estimated at £160,000. Arbitration was proposed on both sides, but on different bases. Ultimately the whole matter was referred to arbitration, the umpire deciding that no reduction should take place, but recommended that the cost of production should be lessened. Another great strike took place in January, 1878, against a reduction of 15 per cent. for a section, and of 10 per cent.



for all others. Negotiations were on foot for averting the strike, but the men were stimulated in its favour by men in no way connected with the district. The strike lasted seventeen weeks ; 14,000 persons were involved ; £40,880 was spent, while the estimated losses amounted to £218,627. Eventually a reduction of  $12\frac{1}{2}$  per cent. was enforced all round. (3) In January, 1879, the Durham miners struck against a reduction of 20 per cent. for some and 15 per cent. for others. They had offered to submit to a reduction of 10 and  $7\frac{1}{2}$  per cent. respectively, while the coal-owners offered to accept 15 and 10 per cent. respectively. The matter was referred to Judge Bradshaw, who gave provisionally reductions of  $8\frac{3}{4}$  and  $6\frac{3}{4}$  per cent. respectively. Finally, Lord Derby awarded 10 and  $7\frac{1}{2}$  per cent. respectively, what the miners had offered to submit to at the outset. Great strikes also occurred in Lancashire, where 30,000 struck against a reduction of 10 per cent. in June, 1877, and in various parts of Scotland.

(g) There were no official statistics as to strikes at that period, but it was computed that, from 1870 to 1880, there were 2,352 strikes ; of those, 1,122, in 1870-74, were for advances in wages, or a curtailment of working hours ; during 1875-79 there were 1,230 strikes against reductions in wages or an increase in working hours. The lists are not quite complete, and questions arose in some cases other than wages or hours of labour ; but in the main the division given is correct. The strikes in 1875-79 were, with the one exception noted, less violent than previously. The Labour Laws had favourably influenced the conduct of the union men in those struggles.

5. *Foreign Competition and Trade Unions.*—Depression in trade always reproduces the old complaints and old cries—foreign competition, the ruin of British industry. The agricultural interests bemoaned Free Trade, with its free imports of wheat and other produce, the silk trade and other manufactures, the importation of foreign-made goods. The former supported both a bounty on the exportation of wheat and a protective duty on imports,

just as it served their purpose. The exportation of machinery was formerly prohibited, and its importation was taxed. It was but natural that, in the years 1875-79, all the old complaints should be revived. Some of the staple manufacturing trades of the country were in a deplorable condition. Bradford, the rival, in the woollen trades, of Manchester in the cotton industry, pleaded in the Mansion House, City of London, for special consideration for home-made goods, and some of her great, wealthy, and liberal-minded manufacturers and merchants seem to have doubted the policy of Free Trade, which formerly they had so heartily espoused. Even in Lancashire there arose doubts, and later on Mr. Jennings, a supporter of Protection, was returned for Stockport, once represented by Richard Cobden. Trade unions were attacked, as one of the causes of the decay in trade; their members were accused of driving the trade from the country, ruining manufacturing industries, and stopping industrial enterprise. Elaborate papers were read at learned societies on all these subjects, and discussions arose thereon. But labour leaders were found able to grapple with those questions, and reply to the assailants of the unions; and they were not without supporters among legislators, capitalists, and publicists.

6. *Free Trade, Reciprocity, and Protection.*—In times of panic, sober reason is dethroned. The depression in trade, bad as it was, had been exaggerated. The contraction in commerce and trade had been in values, rather than in quantities; the volume had not so much decreased, but the prices had gone down lamentably. But values had been the chief bases of comparison, and conclusions were based on these. Foreign tariffs were assailed, and the demand arose for reciprocity. Some were unprepared for a return to protection, but they easily swallowed the bait labelled "reciprocity." Officials of the Board of Trade busied themselves with statistics in support of the policy of Free Trade, because it represented the *status quo*, rather than the *status quo ante*. Then those in turn were denounced as party politicians in the

Press, on the platform, and ultimately in Parliament. A few boldly proclaimed protection, a duty on corn being proposed. Reaction had set in. Cobden and Bright were forgotten. The Cobden Club had to bestir itself, in order to uphold the fiscal policy of Free Ports. Borough constituencies sent members to Parliament whose opinions on those questions were notoriously opposed to Free Trade. I am not sure whether within the Cobden Club itself a few members did not have serious misgivings, such as to evoke horror in the breast of T. B. Potter, and uneasiness in the minds of less ardent Cobdenites. The situation became so grave that, in the General Election of 1885, the question of Free Trade was a serious one in many constituencies. In Bethnal Green I delivered eight or nine special addresses on the subject, some of which were more or less repeated, in a condensed form, in a dozen other boroughs during the election campaign.

7. *Britain's External Trade*.—As a number of speakers on Tory platforms, in the election contests of 1885, were unwise enough to raise the question as to the relative growth of trade under Liberal and Tory rule, claiming that it decreased under the former, and expanded under the latter, I prepared a set of tables, showing the falsity and absurdity of the contention.<sup>1</sup> The gross value of imports and exports combined, in 1870-74, was £3,181,236,010 in the aggregate, or an increase over the preceding five years of £601,203,199. The yearly averages amounted in value to £636,203,199, or an increase of £120,241,640 annually. In 1875-79—five years of Tory rule—the aggregate values of imports and exports fell to £3,160,278,746, showing a decrease of £20,957,284; the yearly averages being £632,055,749, or a yearly decrease of £4,191,453. In the next five years—Liberal rule—the aggregate values rose to £3,529,744,418, an increase of £389,465,672; the yearly averages being £705,948,884, or an increase of

<sup>1</sup> Mr. Jennings was unwise enough to raise that issue in the House of Commons, early in the Session of 1886 (1885 Parliament) when I replied at some length, quoting the Board of Trade Returns. His motion collapsed.

£73,893,135 yearly.<sup>1</sup> The falling off in exports was greater than in imports, so that from the party point of view the situation was even worse. The decline in our external trade, in 1875-79, was the first since the Board of Trade commenced its annual corrected tables, in 1854. But the decline was wholly in values, not in the volume of trade. The folly of the thing was to throw down a party challenge on the question, when the Government Returns were available to disprove the contention.

8. *The Franchise Question*.—Extension of the franchise had been discussed at Trades Union Congresses for several years, dating from 1869. With the organisation of miners and agricultural labourers, it became once more a burning question, the theme especially of the labourers, under the leadership of Mr. Joseph Arch. The labourers' unions urged it; at miners' meetings and demonstrations special resolutions were passed respecting it, and at last all trade unions supported it. The agitation led to the reform proposals in the Bills passed in the Session of 1884-85. In consequence of the action of the House of Lords on that occasion, the greatest Reform Demonstration ever held took place in London, July 21, 1884, of which I was the organiser, and Mr. George Shipton chief marshal. The procession, which met on the Thames Embankment, and extended from Blackfriars Bridge to Westminster Bridge, was variously computed. I estimated it at over 120,000; I had returns which made up for over 119,000, and many joined at the last moment. The then two most conservative unions in London—the Compositors and the Shipwrights—joined most enthusiastically; Mr. C. J. Drummond and Mr. Wilson cordially supported the movement. The procession started as Big Ben boomed out three, and the last contingent did not enter Hyde Park till nearly 8 p.m. Order was preserved throughout the route, and neither trees nor flowers were destroyed nor injured. Their

<sup>1</sup> See "Course of British Trade," by present writer, *Co-operative Annual*, 1890. Also a series of articles in the *Fortnightly Review* and *Financial News*.

present Majesties—then the Prince and Princess of Wales—and family witnessed the procession from Lord Carrington's house in Whitehall, and expressed their gratification. That demonstration settled the question, and gave us the Representation of the People, and Redistribution of Seats Acts, in 1884-85.

9. *General Elections, 1885 and 1886.*—The General Election, 1885, was fought on political programmes—authorised and “unauthorised.” No “burning” question respecting labour was to the front, but, generally, labour interests were, it was understood, to be looked after by the Liberal Party. A number of “labour candidates” stood, and a dozen were elected—ten, in addition to the two in the previous Parliament. Joseph Arch was elected for Norfolk; W. Crawford, Durham; C. Fenwick, Northumberland; W. Abraham, South Wales; B. Pickard, Yorkshire—making five miners, including Thomas Burt. Four were returned for London constituencies. All the “labour men” were Liberals or Radicals, supporters of Mr. Gladstone, but determined to advance the cause of labour independently of party, and, if need be, in spite of it. The Irish Question wrecked the party, and, in the middle of 1886, another election resulted in the defeat of the Liberals, and the return to power of the Conservative Party. Joseph Arch and Joseph Leicester lost their seats in 1886. The “labour members,” in both Parliaments, adhered to their policy of standing together on all labour questions, and were never found in opposite Lobbies when these were before the House. On other questions they voted with their party, or acted independently, as they thought fit. Occasionally they held formal meetings; at other times they consulted as they met in the Lobby or in the House. Mr. Speaker Peel, Mr. Courtney, chairman of the committees, and Sir Thomas Erskine May treated the labour members most courteously, the latter inviting us to consult him if difficulties arose. The House itself always gave us an attentive and respectful hearing.

10. *Codification of the Law.*—As a full list of Acts

more or less pertaining to labour is given in a future chapter<sup>1</sup> it is not necessary here to deal with the measures in detail. One of the early subjects dealt with by the Trades Congress and the Parliamentary Committee was the codification of the law. Sir James F. Stephen prepared a paper for the Trades Union Congress, 1877, on Codification of the Criminal Law, and in the same year published his Digest of the Criminal Law. In 1879, Mr. E. D. Lewis published his Draft Code of Criminal Law and Procedure. In 1879 a paper, by me, was read at the Trades Congress, by Mr. Daniel Guile, which paper was published as a pamphlet. The subject of Codification had apparently come suddenly to the front. But that was not the case.<sup>2</sup> It was, so to speak, in the air. It had been discussed for years, and some attempts had been made to codify sections of the law during the previous five years. The speeches of the Lord Chancellor and the Lord Chief Justice at the Lord Mayor's Banquet at the Guildhall, on November 9, 1875, and especially the great speech of the latter on March 9, 1876, when the Freedom of the City was presented to the Lord Chief Justice at the Guildhall, brought the question within the realm of practical politics.<sup>3</sup> Sir John Holker, the Attorney-General, prepared a measure codifying the Criminal Law, acknowledged to be a masterly production, though far from perfect. The measure did not pass, but many important legal reforms have taken place since 1875. The law on the sale of goods has been codified. Legal procedure has been reformed. Consolidation Acts have

<sup>1</sup> See Chap. XLI., par. 12.

<sup>2</sup> Codification was advocated in Burn's "Justice of the Peace," first edition.

<sup>3</sup> As a guest, I had the pleasure of hearing those speeches, and was much impressed by them. The Lord Chancellor, on the first occasion (1875), advocated "a certain, simple, and inexpensive justice." The Lord Chief Justice said: "You ought not only to bring justice to every man's door, but also the law to every man's knowledge." On the second occasion (1876) the Lord Chief Justice said: "Digest, digest, digest—codify, codify, codify." He added: "The law is made for the community, not merely for a body of lawyers." At present "the law is a chaotic mass, a labyrinth in which no man can find his way. The greatest work of all—codification of the law—had yet to be accomplished."

been passed, and also many Statute Law Revision Acts. An impetus was given to the movement by the Trades Union Congress, and the action of its Parliamentary Committee.

II. *Legislative Measures from 1876 to 1890.*—In the interval between 1876 and 1890, forty Acts were passed specially affecting labour, or workmen's interests.<sup>1</sup> These need not be specifically dealt with at any length. They are enumerated in another chapter. The Summary Jurisdiction Act, 1879, was important, and in the direction indicated by the Trades Union Congress, and promoted by the Parliamentary Committee, from 1871-76 especially, and thereafter. The Justices' Clerks Act, 1877, was in the same direction. The Consolidation of the Factories and Workshops Acts, in 1878, was a notable advance in many instances favourable to the workpeople. Merchant Shipping Acts were passed in the interests of seamen on lines advocated by Mr. Plimsoll, and the Canal Boats Act, 1877, promoted by Mr. George Smith; the Employers' Liability Act, 1880, is dealt with elsewhere.<sup>2</sup> Summary Jurisdiction Acts (Scotland), 1881, (Ireland), 1882; Bakehouses Act, 1883; Payment of Wages, 1884; Shop Hours, 1886; Truck, 1887;<sup>3</sup> Mines Consolidation Act, 1887; Shipping Acts, three in 1889; Steaming in Factories in 1889, are among the measures enumerated in the period under review. The whole of the forty Acts referred to were advocated in the Parliamentary programme, resolutions, papers, or speeches of the earlier Congresses, 1868 to 1876 inclusive, adapted to altered circumstances from time to time and changes in the law. The Trades Union Congresses met annually as previously, the legislative and general work devolving upon the Parliamentary Committee as theretofore. If no new departures were made, useful legislation on the old lines was promoted, and the interests of labour were advanced. The record is one of continuous progress, beneficial though slow.

<sup>1</sup> See Chap. XLI., par. 12.

<sup>2</sup> See Chap. XXXVIII., par. 13.

<sup>3</sup> See Chap. XXXVII., par. 12

## CHAPTER XXXVII

### TRUCK — PAYMENT OF WAGES — DEDUCTIONS, RECOVERY, &c.

UP to the beginning of the nineteenth century, and for a quarter of a century afterwards, the question of wages was closely related to the subject of arbitration, as shown in the list of enactments enumerated in the 5 Geo. IV., c. 96, "An Act to Consolidate and Amend the Laws Relating to the Arbitration of Disputes between Masters and Workmen" (June 21, 1824). In that statute seven Acts are scheduled and repealed relating to Great Britain and Ireland. In many industries wages had been fixed and regulated by specific Acts of Parliament, and methods of adjustment were also provided for in other Acts relating to arbitration in labour disputes, as in the Spitalfields Acts, and others. In nearly all industries wages were fixed and regulated as a result of legislation, from the Statute of Labourers downwards. The "laws of supply and demand" did not operate; they were smothered by Parliamentary enactments, which ignored what is now known as political economy—a science then practically non-existent. The workers were regarded as "the swinish multitude," to use Burke's words, whose duty it was to obey, not to meddle with law-making, not even to question the justice of the laws, but to be punished severely if any infraction took place or was attempted.

1. *Truck Acts*.—"Truck" means barter and exchange, goods for goods, produce for produce, goods or produce



for labour in lieu of wages. The Truck Acts have their roots in the early history of legislation. Their original object was not so much to protect labour, for labour at that time was of little account in the land. Though serfdom had been nominally abolished, the hind and husbandman, indeed nearly all sections of workers, were little more than chattels chained to the land, freedom of migration being practically prohibited. Journeymen, that is, hired workmen for wages, were limited, and such as then existed were governed by the ordinances of the Guilds. The Truck Acts were rendered necessary by the state of the kingdom. They were essential for the purposes of trade and commerce. They were necessary for the revenue, as payments in kind were cumbrous and inconvenient for the King and the State. It was imperative that there should be a coinage, and that such coinage as was current should be accepted in payment as between seller and purchaser. To be effectual, wages also must be paid in current coin? or how could the workers pay their debts in current coin. Hence, in 1464-65, the 4 Edw. IV., c. 1, was passed, providing for this. Section 2 deals with wages.

2. *Legislation, 1665 to 1825.* — During the next 160 years, from 1665 to 1825, numerous enactments were passed having reference to truck and wages. I have scheduled and examined thirty-six of such Acts; but there were provisions in many other Acts which applied, specifically or not; in all those statutes labour and wages played a subordinate part—often a disastrous part, for restriction, not freedom, characterised the whole of such legislation. It may indeed be said, in passing, that the statutes indicated were as antagonistic to trade and commerce as to labour and wages, except that other laws pressed more hardly upon labour, and almost rendered nugatory the provisions in Acts more or less favourable to workmen. Wages were fixed by justices of the peace; they had full power to determine and regulate payments for work done, but these were to be in “lawful coin.” Even payments in Bank of England notes, or

those of licensed bankers, were not legal tender unless workmen consented to accept the same. Payment in goods was declared unlawful, and deductions for goods supplied previously to passing of the Act could not be legally made. Penalties were imposed for any infringement of the provisions in those Acts. Had the provisions of the law, as regards truck, been as severely administered as those respecting combinations of workmen, the system would not have survived the eighteenth century ; but justices of the peace were employers.

3. *The Truck Acts*, 1831.—I have used the plural in this case because, although the expression “Truck Act” is usually employed, yet in reality there were two Acts, one being the complement of the other. (1) The first Act, 1 and 2 Wm. IV., c. 36, was “an Act to repeal several Acts, and parts of Acts, prohibiting the payment of wages in goods, or otherwise than in the current coin of the realm.” The number enumerated and scheduled for repeal was eighteen, some of the older Acts having been repealed by subsequent Acts prior to that date. In that Act there was an excellent proviso (§ 2): “Provided always, and it is hereby enacted and declared : That nothing herein contained shall or doth extend to the repeal of any provisions contained in any of the said recited Acts respecting the recovery by any workmen or labourers of the wages of their labour, or to deprive any such workmen or labourers of any remedies now by law provided for the recovery of any such wages.” It further provided for the recovery of penalties under the said Acts in cases of infringement. Parliament could, and did sometimes do a sensible and worthy thing, even for labour ; if it failed, no wonder, considering its composition and the date of the enactment. Those who administered the law would see that it was not interpreted too favourably.

4. (2) *The Consolidation Act*, 1831.—The second Act, 1 and 2 Wm. IV., c. 37, was in reality a Consolidation Act, though not so described. Its title was “An Act to prohibit the payments, in certain trades, of wages in goods,

or otherwise than in the current coin of the realm." It provided (§ 1) that in all contracts made for hiring or for the performance of any labour of artificers, the wages of such must be in the current coin of the realm; and that if in any such contract the whole or any part of such wages shall be made payable otherwise, the contract was illegal, null, and void. (§ 2) Any stipulation in any such contract as to the manner in which, or the place at which, the wages shall be expended, rendered the contract illegal, null, and void. (§ 3) All wages to be paid to the workman in coin; payment in goods declared illegal. (§ 4) Artificers may recover wages if not paid in current coin. (§ 5) In action brought for wages no set-off shall be allowed for goods supplied by employer, or by a shop in which the employer is interested. (§ 6) No employer shall have any action against his artificer for goods supplied to him on account of wages. (§ 7) If the artificer or his wife or children become chargeable to the parish, the overseers may recover any wages earned within the three preceding months and not paid in cash. (§ 8) Payment in bank-notes only legal if artificer consents.

5. *Penalties and Trades to which Act applied.*—Sections 9 and 10 impose penalties on employers entering into contracts hereby declared illegal—for first offence maximum £10, minimum £5; second offence not more than £20 nor less than £10; third offence a misdemeanor liable to penalty of £100. Provision is made as to recovery of penalties in first and second offences with a proviso as to the time to elapse between first and second offences. (§ 11) Justices may compel the attendance of witnesses. (§ 12) Power to levy penalties by distress. (§ 13) A partner not to be liable for the offence of co-partner, but the partnership property to be liable. (§ 14) Provides as to service of summonses; (§ 15) as to form of conviction, &c.; (§ 16) as to return of convictions to Clerk of the Peace; (§ 17) not to be quashed for want of form; (§ 18) as to application of penalties. (§ 19) This section defines or specifies the trades to which the Act applied, namely, the manufacture of iron and steel; mines of coal, iron-

stone, limestone, salt-rock, other stone, slate or clay ; the making or preparing of salt, bricks, tiles, or working quarries ; the manufacture of nails, chains, rivets, anvils, vices, spades, shovels, screws, keys, locks, bolts, hinges or other articles of hardware ; articles of cutlery, or of any articles made of brass, tin, lead, pewter, or other metal, or of any japanned goods or ware whatsoever ; the whole of the textile industries, fourteen chief branches being enumerated—also leather, fur, glass, china and all earthenware goods ; preparation of bone, and all kinds of lace.

6. *Exclusions and Exemptions.*—The provisions in § 19 are specific as to the branches of trade to which the Act applies, and it enacts “ that nothing herein contained shall extend to any artificer, workman, labourer, or other person engaged or employed in any manufacture, trade, or occupation, excepting only ” those employed in the several branches enumerated. By § 20, domestic servants and servants in husbandry are specifically excluded. It is provided (§ 21) that certain persons shall not in certain cases act as Justices under the Act, namely, those engaged in trades, &c., to which it applies, or the father, son, or brother of such person ; and (§ 22) provides that county magistrates may act in cases where those in towns, &c., are disqualified by § 21. The object of §§ 21 and 22 was to ensure an impartial administration of the law by the exclusion of interested persons ; any failure therein was not intended by the Legislature. Particular exemptions are set forth in § 23, such as the supply of medicine or medical attendance, fuel, materials, tools, or implements employed in mining ; or hay, corn, or other provender for horse or other beast of burden ; the letting of house or tenement to workman employed, or the supply of any cooked victuals prepared in the house of employer, and there consumed. Deductions in the cases mentioned were allowed, provided that the workman agreed thereto in writing, but not otherwise.

7. *Proviso as to Friendly Society, &c.*—Employers were permitted, by the consent in writing of the workman, to advance money for contributions to a friendly society or

savings bank lawfully established for the relief of such workman in sickness, or for the education of his child. (§ 24) The definitions in § 25 are full and ample for the purposes intended. The commencement of the Act was three months after date thereof (§ 26), which was October 15, 1831. It extended to the whole of the United Kingdom. (§ 27) A schedule of forms was appended to the Act. Whatever its defects, it must be admitted that the Act was an honest attempt to put down truck, and to ensure to the workman his full wages in the current coin of the realm. At the date of the Act, looking impartially at its provisions, one could scarcely conceive it possible that truck, with all its progeny of evils, would be able to develop into such an accursed system as it was subsequently shown to have been in connection with many of the prohibited industries, specifically enumerated. The building, wood-working, paper, printing, bookbinding, and many other industries are not named—to these the Act did not apply. Boot- and shoemakers, as “makers up” or “manufacturers” of articles made of leather, ought to have been protected, but were not; the tanners were. The germs of efficient protection were in the Act of 1831; experience alone could show how to mature them according to their kind.

8. *Further Legislation.*—The next Act (2 and 3 Vict., c. 71) had reference to bargemen and others on the river Thames. It dealt with arbitration and recovery of wages as well as truck, as had been the case in several earlier Acts. It is not a little singular that bargemen, “coal-whippers,” “ballast-heavers,” and others, supposed to be fairly well able to look after themselves, were more fully protected by provisions in Acts specially pertaining to them than were any other class of workers. Legislation in favour of coal-whippers commenced as early as 1758, by 31 Geo. II., c. 76. A further Act on their behalf was passed in 1770, the 10 Geo. III., c. 53. This paternal legislation continued until this class of workers was handed over to the “Trinity House,” by which Board they were subsequently regulated.

9. *Tickets of Work*.—Provision for the delivery of tickets of work to workmen formed part of the Acts relating to arbitration in disputes between masters and workmen, the principal clauses in which were embodied in 5 Geo. IV., c. 96. This statute enacted that “with every piece of work given out by the manufacturer to a workman to be done, there shall, if both parties are agreed, be delivered a note or ticket in such form as the said parties shall mutually agree upon.” The object of such note or ticket was to prevent the workmen being defrauded in respect of the amount of work done, and of the remuneration for such work in certain of the textile industries.

10. *Further Legislation as to Tickets of Work*.—The provisions in the Acts alluded to extended “to persons employed in the woollen, worsted, linen, cotton, and silk hosiery manufactures.” The Act of 1845 related to hosiery alone. It was “an Act to make further regulations respecting the tickets of work to be delivered to persons employed in the manufacture of hosiery in certain cases” (8 and 9 Vict., c. 77). That Act made it compulsory on the part of the manufacturer to deliver, with the materials, a ticket of work containing the particulars of the agreement, and to make and keep a duplicate of such until the work was done and paid for. The ticket was held to be evidence of the contract, to be produced in case of dispute. Penalties were imposed on the manufacturer for non-delivery of ticket of work. The schedule sets out in detail the particulars as to stockings, socks, gloves, shirts, caps, and other descriptions of hosiery. In the same year an Act was passed relating to silk weavers (8 and 9 Vict., c. 128), making “further regulations respecting the tickets of work to be delivered to silk weavers.” Particulars are set forth (as in the previous Act) relating to weavers, but it is provided that if both parties agree, the ticket may be dispensed with. On the other hand, provision is made for the recovery of wages before the Justices of the Peace, as was the case in the Spitalfields Acts. At that date it must be remembered those were “domestic industries” for

the most part, the work being done at the workmen's homes.

11. *Deductions from Wages.*—The Hosiery Act, 1874, (37 and 38 Vict., c. 48) dealt with specific grievances in the hosiery trade, one of which was frame-rents, the "frames" being the property of the employer, and lent by him to the workman at a weekly or other periodical rental. The most serious complaint of the operatives was that, having hired the frame, the employer stinted the work, so that three frames were made to do what two might easily have done. The wages, already low, had therefore to be divided between three, whereas the work was only sufficient for two, each earning, possibly, 33·3 per cent. instead of 50 per cent. of the total amount. It was said that in some cases the proportion was even less than one-third. No encouragement was given to the operative to purchase his own frame, because that would reduce the profits of the employer. Of course there were exceptions to this, as was proven when the Bill was before Parliament, for the two men who pre-eminently helped to carry the measure were largely engaged in the hosiery manufacture — Mr. A. J. Mundella and Mr. Samuel Morley. The effect of the measure referred to was practically to put an end to "frame-rents" in the hosiery trade, and to the evils which had grown up in connection with the system. The Parliamentary Committee of 1874, together with the Operatives' Committee, helped to secure the passing of that measure.

12. *The Truck Act, 1887.*—Notwithstanding the provisions in the Acts enumerated, truck was extensively resorted to in numerous industries, including those in which it was specifically prohibited, as well as in others not enumerated in the Acts. The abuses were so notorious and the complaints so widespread that a Royal Commission was appointed to inquire into the operation of the Truck Acts, Mr. R. S. Wright (now Mr. Justice Wright) being secretary to the Commission. It was, perhaps, due to him that the inquiry was so full and complete, and the exposures so successful and effectual.

That inquiry and the report of the Commission broke the back of the system, but did not wholly destroy it. In 1887 the late Charles Bradlaugh brought in a Bill to amend and extend the law, which was carried, as the 50 and 51 Vict., c. 46—the Truck Act, 1887. Mr. Bradlaugh had some difficulty in carrying his measure, and he bitterly complained to me—acting, as I did, as his informal whip on the occasion—of the apathy and cowardice of certain workmen, who were loud enough in their complaints but lacked the pluck to give evidence before the Committee which sat on the Bill. It was carried, however, and its defects, such as they are, were as much due to the conduct of those for whose benefit it was intended as to the opposition of employers.

13. *Particulars of Work*.—In the Factory and Workshops Act, 1891 (54 and 55 Vict., c. 75) there were specific provisions (§ 24) for the supply of particulars of work to persons engaged by the piece in cotton, worsted, woollen, linen, or jute trade, which particulars are not to be disclosed to the detriment of the employer. The section also included workers engaged by the piece in factories and workshops other than those enumerated. Further provision was made in 58 and 59 Vict., c. 37, § 40, the amending Act of 1895. Many of the employers were opposed to the provision in the Act of 1891, when it was proposed, but it was accepted with the proviso as to disclosure. It appears to have worked well generally, many disputes having been averted by the method adopted of mutually arranging terms. Mr. Thomas Birtwistle was specially appointed as Inspector in this connection.

14. *Factory and Workshops Act, 1901*.—All provisions of this kind connected with factories and workshops are now embodied in the Consolidation Act of 1901 (Part VII., §§ 116 and 117). It also provides for the inspection of weights and measures used in ascertaining wages. The real object of all the measures herein noted was the prevention of fraud, just as the Weights and Measures Acts tried to do so generally, and as the Adulteration Acts sought to do so as regards food, drink, drugs, seeds,



and other articles. But it was necessary to pass special Acts in respect of labour.

15. *Check-weighing Clauses of the Mines Acts.*—What the provisions in various Acts relating to tickets, notes, and particulars of work did for the textile operatives, the check-weighing clauses in the Mines Acts did for the miners. The tales that were told of the way in which the miners below ground were defrauded by the weigher above ground were so atrocious as to be scarcely believable. If the tub was below weight, or had dirt in it, such tub was often absolutely confiscated. If it was over-weight no advantage accrued to the miner. He was robbed right and left. The demand for a check-weigher not absolutely the creature of the coalowner was made at the Miners' Conference at Leeds, in 1863. For a considerable time the protests were disregarded, the demands for redress were of no avail. At last, in the Mines Regulation Acts of 1872, provision was made for a check-weighman, answerable to the men. In the Weights and Measures Act of 1878 miners were further protected. In later Acts the check-weighman was made more or less independent of the mineowner, so that now the miner is fairly well protected from the avariciousness of those who would be unscrupulous if they dared. The unions are now strong enough to ensure justice—fair weight, and only reasonable deductions in cases where an excess of dirt is thrown into the tub. Thus has the miner been cared for in the legislation of recent years.

16. *Recovery of Wages.*—Some very crude provisions were enacted in the Truck Acts, the Spitalfields Acts, Arbitration Acts, and in special Acts relating to particular trades, for the recovery of wages; but they were rendered nearly useless by other provisions not favourable to labour. The one great advantage conferred was that the Justices' Courts were, for these matters, constituted as Civil Courts, so that wages could be recovered without an expensive action at law, involving costly litigation. This was provided for in several specific statutes, and then again in the more general statutes relating to procedure, and in the

rules and orders thereunder. When County Courts were established matters of wages were relegated to them also. There was, however, no general, adequate, cheap, and expeditious method for the recovery of wages in all trades until the Employers and Workmen Act, 1875, was passed, when the breach of labour contracts was made a civil offence, liable only for pecuniary damages, except in a few special cases where heavier penalties were awarded. For all purposes of recovery County Courts and Magistrates' Courts are Civil Courts, in consequence of which there need not be any great delay in obtaining an adjudication upon the wages of labour, whether by day-workers or piece-workers, and as a rule the decisions may be said to be fairly just, at least upon the evidence tendered to and proven before the court.

17. *Arrestment or Attachment of Wages.*—Those two terms mean the same thing. Arrestment is used in respect of Ireland and Scotland, attachment as regards England and Wales. They may be defined as a stoppage or seizure under authority of the law, by an order of the judge, to hinder or detain the amount due as wages or otherwise. (1) The earliest Act apparently was the Irish Act (1714), 2 Geo. I., c. 17—"An Act to empower Justices of the Peace to determine disputes about servants, artificers, and day-labourers' wages, and other small demands, and to oblige masters to pay the same, and to punish idle and disorderly servants." The title of the statute indicates how the smallest legislative concession to labour was disfigured by some provision or another, more or less adverse to labour. What had "idle and disorderly servants" to do with the payment of wages, rightfully due? That Act was followed by four others in 1729-30, 1751-2, 1755-6, and 1765. Each of those statutes contained matters other than provisions relating to wages. The provisions as to wages in those five Acts were repealed in 1814 by 54 Geo. III., c. 116, the other sections being left unrepealed. All the Acts enumerated related solely to Ireland, as will be seen by the repealing Act, entitled, "An Act to repeal several laws for the recovery

of small sums due for wages in Ireland, and to make other provisions for the recovery of such wages."

18. (2) Legislation as regards England and Wales began, except such provision as was contained in 5 Eliz., c. 2, and 1 Jas. I., c. 6, with the 20 Geo. II., c. 19, in 1746-47. That Act empowered justices of the peace to make order for payment of wages, &c. It was amended by 31 Geo. II., c. 11 (1758), by 6 Geo. III., c. 25 (1766), 4 Geo. IV., c. 29 (1823), and 4 Geo. IV., c. 34, in the same year. In 1845 and again in 1846 (8 and 9 Vict., c. 127, and 9 and 10 Vict., c. 95) the Acts for the recovery of small debts applied more generally than the provisions in the before-quoted Acts. The 7 and 8 Vict., c. 96 (in 1844) had reference to the same matter in cases of bankruptcy.

19. (3) Scotland was specifically provided for in 1795 by the 35 Geo. III., c. 123. Other Acts were passed in 1800, 1825, 1837, 1838, and 1845; the latter was special as regards "the Law of Arrestment of Wages in Scotland." Subsequent Acts were of a more general character in respect of all parts of the United Kingdom. Provisions are also to be found in the Summary Jurisdiction Act, Ireland, 1851, the Common Law Procedure Acts, 1854, 1856, and 1860. In 1867, the County Court Act, 30 and 31 Vict., c. 142, applied to wages. In 1870 an Act to abolish arrestment for wages was carried, 33 and 34 Vict., c. 30, and in the same year an Act to limit wages arrestment in Scotland was also carried, the 33 and 34 Vict., c. 63.

20. *Extended Jurisdiction.*—In all those earlier Acts, enumerated or indicated, the limit of recovery was small, not exceeding £6; the amount is now extended to £50 both in county courts and magistrates' courts under the Employers and Workmen Act. The law may not be perfect, but workmen can more easily, cheaply, and expeditiously recover their wages than the baker, grocer, or clothier can recover debts due to them, as any one conversant with procedure in such courts well knows, especially those who have had recourse

to them for the recovery of amounts due for articles supplied.

21. *Preferential Payments in Cases of Bankruptcy.*—Within the limits prescribed by law, the wages of labour have a preferential claim if the employer becomes bankrupt. In 1869, by 32 and 33 Vict., c. 71, § 33, preferential claim, by an apprentice or articled clerk, was admitted; by § 32 of same Act, all wages due of servant or salary of clerk, up to £50, and of workmen, to the extent of two months' full wages, had equal priority of claim with local rates and Imperial taxes in due proportions. In the Bankruptcy Act of 1883, the 46 and 47 Vict., c. 52, priority of debts is provided for in §§ 40 and 41, thus: (a) All local rates and Imperial taxes for one year, and (b) All salaries and wages up to £50. That Act is still in force as the principal Act.

22. *In Scotland.*—Preferential claims to wages in Scotland were secured in 1856 by 19 and 20 Vict., c. 79, § 122, called "privileged debts to a limited amount," and again by 38 and 39 Vict., c. 26, in 1875—both Bankruptcy Acts. Preferential claims to wages in the United Kingdom were further provided for in 1883, by 46 and 47 Vict., c. 52, §§ 40 and 41. That was a general Act. Preferential claims for wages are also provided for in the Companies Acts, 1888, the 51 and 52 Vict., c. 42, as to England and Scotland, and in 1889, the 52 and 53 Vict., c. 60, as to Ireland. The law as it stands provides proportional equality of claims in respect of local rates, Imperial taxes, wages, and salaries to a definite amount, and of apprentices and articled clerks. Special provision is made in the latter case as to "transfer of indenture of apprenticeship, or articles of agreement to some other person."

23. *Payment of Wages in Public-houses Prohibited.*—The working classes of to-day have no conception of the terribly disastrous effects of the old system of payment of wages in public-houses; only those whose working age goes back to the forties and fifties can form any idea as to its extent and its baneful consequences. The better

class of mechanics and artisans ceased work at four o'clock on Saturdays, others at 5.30 or 6 p.m. It was usual for the operatives employed at factories and workshops, adjacent to the employer's office, to be paid on the spot. In the building trades, in very many cases, the workmen had to walk from the job, often miles away, to the pay office, generally in the men's own time. That system was deemed to be necessary in order to protect the employer from fraudulent foremen, by drawing wages for what were called "dummies," that is, fictitious names in the wages list. Some of the larger contractors paid on the job immediately the working time expired on Saturdays. The greatest sinners in respect of public-house payments were men only one remove from the status of journeymen—"sloggers" and "field-rangers" they were called in the building trades, a section of those termed "jerry-builders." Some of those men kept the operatives until nearly midnight before they got their wages—but they could have beer or other drinks "on tick" till the "boss" settled up later on. Sometimes the men were never paid at all, the "boss" having decamped with the whole of the earnings of the week. Drunkenness and quarrelsomeness were promoted by this system. The men often had no food after the midday meal, and then a little drink overcame them. The lodges of trade societies were often a pandemonium, in consequence of late payments at public-houses. The system was partly broken down by combinations, ere the law stepped in, but it had sufficiently survived to necessitate legislative action, and the powerful influence of public opinion, backed up by the better class of employers.

24. *Legislative Provisions.*—Singularly enough, the first blow struck at public-house payments was for the protection of bargemen, coal-whippers, and ballast-heavers on the river Thames, elsewhere referred to. The Acts of 1758, the 31 Geo. II., c. 76, of 1770, the 10 Geo. III., c. 53, and of 1839, the 2 and 3 Vict., c. 71. Among other provisions, payment of the men in beer-houses, usually kept by the "butty," or by one with whom he

was in league, both sharing in the profits. The next Acts were the Mines Regulation Acts, 1872, the 35 and 36 Vict., c. 76 and c. 77, in which payment of wages in public-houses was prohibited in connection with both coal-mines and metalliferous mines. These prohibitions were continued in later Acts. In 1883 a General Act was passed, the 46 and 47 Vict., c. 31, "An Act to prohibit the payment of wages to workmen in public-houses, and certain other places." That Act applies to Great Britain, but not to Ireland. For the purposes of administration, it applies the Summary Jurisdiction Acts in England and Scotland. Domestic servants and miners are otherwise protected, the latter being protected by the Mines Acts still in force. Seamen were protected in the Merchant Shipping Acts, but very inadequately until Mr. Plimsoll took up their cause. They are now pretty well protected by the "Merchant Shipping Act, 1894," the 57 and 58 Vict., c. 60, a Consolidation Act, as to "payment of wages" by §§ 131 to 139 inclusive. That stupendous and masterly Act had the assent of shipowners and seamen, both of whom were represented on the Committee to whom the Bill was referred.

25. *General Summary.*—The legislation referred to in the several paragraphs of this chapter is full of historical interest. The record shows how tenderly the legislature touched the subject of the relationship between employer and employed. It would almost seem as if the Legislative Assembly doubted whether it could be improved, whether, in fact, it needed improvement. It may have been that our august legislators scarcely believed it possible for employers of labour to fall so low as to be guilty of the paltry, mean, and dishonest tricks and devices attributed to some of them in order to increase their profits in the way of trade. Very likely many employers disbelieved it also. But as the facts became known, and legislation was found to be necessary, measures were taken, gingerly and slowly at first, to mitigate the evils complained of, and gradually to find out the proper remedies. It is a history of slow growth. Each step was taken cautiously,

but once taken there was no going back. The provisions in the several Acts, relating to the various matters adverted to, are now tolerably adequate for the purposes intended. They would be wholly adequate if workmen used their opportunities and combined power. If they prefer to beat the wind and spend their time and money over impossible and questionable schemes instead of uniting for practical measures, they have themselves to blame if the results are not quite satisfactory.

## CHAPTER XXXVIII

### EMPLOYERS' LIABILITY : COMPENSATION FOR INJURIES

IN all the varied avocations in life, it is essential that the worker shall feel assured that all needful precautions have been taken to ensure reasonable safety to life and limb. In some industries the risks are very great in any case, even when the utmost care has been exercised. This is especially the case in coal-mining, in a seafaring life, on railways, in the manufacture of explosives, in lead works, and some other chemical industries ; and several special trades. The late Professor Huxley once said that there are no such things as accidents ; those we call such are the results of definite causes, whether avoidable or not, most of which might be avoided by knowledge, foresight, and adequate precautions. But casualties occur with amazing regularity in some industries in spite of well-contrived appliances, rigid supervision, and watchful care. Sometimes a new contrivance to ensure safety is itself a cause of danger, as, for example, an increase of ventilation in coal-mines rendered the Davy lamp no longer a "safety lamp," as previously. A new lamp had to be invented as a substitute for the old. Not only workmen but the public generally now demand guarantees of safety.

1. *Liability for Accidents under the Common Law.*—Under the Common Law of England liability is thus defined :—

"1. A person guilty of negligence is liable to make good any pecuniary damage resulting therefrom to another, provided



that such damage can with sufficient directness be traced to the negligence.

"2. A person who commits a wrongful act by means of another is (subject to the same qualification) liable for its consequences."<sup>1</sup>

Those maxims are in substance the same as in the old Roman law, and appear to have been accepted and acted upon wherever Roman jurisprudence exercised influence. No distinction was made as to persons, or the mutual relations existing between the parties, so that workmen stood in the same position as the general public. No test cases appear to have arisen until 1837, by which to judge of the operation of the Common Law, as regards the liability of employers to workmen injured in the course of their employment. Workpeople were not in a position to enter an action at law to assert or maintain their rights. They had no trade unions to fight their battle, and individuals were too poor to indulge in "the luxury of litigation."

2. *Doctrine of Common Employment.*—"The doctrine of common employment," says Mr. Ruegg, "is supposed by some to be an ancient doctrine, although it appears to have been fully discussed judicially for the first time less than fifty years ago."<sup>2</sup> The first case cited in the text-books is that of *Priestly v. Fowler*, in 1837. This was an action brought against a butcher by one of his servants for injuries caused by overloading the van, which he had been ordered to accompany. The van was in charge of a fellow-servant to whose negligence, so it was alleged, the overloading was attributable. "It was decided expressly upon this ground that the servant injured could not recover compensation from his master." No authority was quoted in the judgment of the learned judge in support of his decision—Abinger, C. B. The next English case was *Hutchinson v. the York, Newcastle, and Berwick Railway Company*, in which Alderson, B., decided that as the servant causing and the servant suffering the injury

<sup>1</sup> See Ruegg's admirable "Treatise upon the Employers' Liability Act," Butterworths, 1882.

<sup>2</sup> Ruegg, "Treatise upon the Employers' Liability Act, 1880," p. 5.

were both engaged in a common service, the master was not responsible for the negligence. He went further, and implied that the contract of service involved that the hired accepted the risks incidental to the service. In another case under Lord Campbell's Act, *Wigmore v. Jay*, it was decided that a foreman was a fellow-workman, and therefore not entitled to compensation.

3. *The Scotch Case*.—In the year 1858 the case of "The Bartonshill Coal Company v. Reid" was brought to the House of Lords on appeal from the Court of Session in Scotland. Up to that date, it appears, the doctrine of common employment had not been pleaded in the Scotch courts, or, if it had, no decision in its favour had been recorded. The House of Lords decided that the law in the two countries as to common employment was identical. In another case under Lord Campbell's Act it was held that a mining company was not responsible for the death of a miner whilst being drawn up from the mine, due to negligence on the part of the engineer. Thus the doctrine was strengthened and extended by each successive decision, no judgment contrary thereto being given in any case.

4. *Judge-made Law*.—The danger of empowering courts of law to read into the Common Law, or into statutory enactment, anything not actually to be found therein, is stupendous. Such a power renders the law uncertain as a game of hazard, for the judge or judges, if the matter goes to the Court of Appeal and to the House of Lords, can practically at will determine the issue, not according to the maxims of Common Law, not according to the provisions of Statute Law, but upon grounds quite outside of either. It is not what the law says, but what the court thinks it might or ought to say that finally determines the case.

5. *Enactments as to "Accidents"*.—The sole object of all the earlier Acts relating to accidents, and injuries caused thereby, was prevention rather than compensation. This indeed was the view of the labour leaders who first promoted legislation on the subject. No monetary considera-

tion can be compensation for death ; and it is poor, at the best, for serious personal injury. The first enactments were intended to ensure the safety of passengers carried outside stage-coaches and other carriages. By 28 Geo. III., c. 57, in 1788, the number to be carried was limited. This was amended in 1790 by 30 Geo. III., c. 31, in which provision was made for regulating the conduct of drivers and guards of such vehicles. Those statutes were further amended in 1806 by 46 Geo. III., c. 136, but generally on the same lines. In 1810 all these enactments were repealed by 50 Geo. III., c. 48, and new provisions for safety were substituted. In 1820 a more stringent Act was passed—1 Geo. IV., c. 4: "An Act for punishing criminally drivers of stage-coaches and other carriages for accidents occasioned by their wilful neglect." Owners were responsible for damages under the common law, and by this later Act the drivers were criminally responsible for wilful misconduct if an accident occurred in consequence thereof, causing injury to persons.

6. *Lord Campbell's Act*, 1846.—It would appear from the preamble to 9 and 10 Vict., c. 93—"An Act for compensating the families of persons killed by accidents"—that the statute was intended in some way to at least minimise the effect of the decision in the case of *Priestly v. Fowler*, in 1837, and to remedy an evident defect in the Common Law. The preamble says: "Whereas no action at law is now maintainable against a person who by his wrongful act, neglect, or default may have caused the death of another person, and it is oftentimes right and expedient that the wrong-doer in such case should be answerable in damages for the injury so caused," &c. The Act provides (1) that an action shall be maintainable against any person causing death through neglect, &c., notwithstanding the death of the person injured. (2) Action to be brought for the benefit of certain relations by and in the name of the executor or administrator of deceased. (3) Only one action shall lie. (4) Plaintiff to deliver full particulars of person for whose benefit the damages are claimed. The doctrine of common employment was

practically declared to govern this Act by decisions subsequently given—*Hutchinson v. The York, &c., Railway Company*, 1850; *Wigmore v. Jay*, brought under the Act and the *Bartonshill Coal Co. v. Reid*, in 1858.

7. *Miners Demand a Compensation Act*.—The first formal demand for a Compensation Act was made by miners at their Conference in Leeds in 1863. The Scotch miners had taken up the case of *Reid v. The Bartonshill Coal Company*, and when the company appealed to the House of Lords from the Court of Session in Scotland they supported the case against the appellants. The House of Lords decided in favour of the appellants in 1858, now quoted as *The Bartonshill Coal Company v. Reid*. Lord Campbell's Act did not apply to Scotland, therefore that statute was not quoted. The decision was on all fours with that of *Priestley v. Fowler* on the ground of common employment. Curious things—"Doctrines" of Law, as seen in two conspicuous examples: (1) "Doctrine of Restraint of Trade," and (2) "Doctrine of Common Employment." It remains for some court or judge to declare the *Doctrine of Common Safety* as a principle of law. As regards common employment the decisions are at least peculiar. For injury caused by a fellow-workman the employer is not held responsible. Employer not held to warrant the competency of his servants, nor fitness of plant or materials; workmen take the risk; foreman declared to be a fellow-workman—*Wigmore v. Jay* (Lord Campbell's Act); the general traffic manager of a railway company may be a fellow-workman; so may the actual employer, if he be a sub-contractor. Very curious, very complicated.

8. *Legislation and Agitation, 1863-1880*.—In consequence of the better organisation of trade unions in the sixties, and of conferences of representatives of various unions at Derby in 1860, in Sheffield, Glasgow, and London in 1864-66, and the institution of the Annual Trades' Union Congresses in 1868, the general body of the trades took over the movement initiated by the miners in 1863, and the question of compensation for

injuries caused by accidents thereafter became general, on the ground that all workmen employed in trades liable to accidents were equally interested in the matter of safety, though the risks in some were trifling as compared with the grave danger in others. The action of the Parliamentary Committee of the Trades' Congress, as regards the Bills introduced, and the means taken to ensure their passing, will be found elsewhere, and therefore need not be here repeated.<sup>1</sup>

9. *Various Acts to Ensure Safety.*—That the Legislature has always designed in recent years to ensure safety, both to the general public and to the persons employed, is obvious from the number of enactments in various groups of Acts relating to the subject. Here are some as indicative of intention: (a) Under the head of Coroner—Injury Causing Death; (b) Furious Driving; (c) The Mines Regulation Acts; (d) Factory and Workshops Acts; (e) Railway Acts; (f) Merchant Shipping Acts; (g) Explosives Acts; (h) Alkali Works Acts; (i) Quarries Acts; (j) Threshing Machines Act; (k) Dangerous Performances Acts. Certain provisions in all those, and in other Acts, denote the intention of ensuring safety. State funds are provided for the purposes of inspection, in order to see that proper precautions are taken to secure that end, in so far as reasonable appliances can be adopted to avert accidents in all industrial undertakings. The whole course of modern legislation has been humane in this direction.

10. *Workmen Demand Compensation in Certain Cases.*—The demands of workmen, as voiced by their representative labour leaders, were that all reasonable precautions shall be taken to ensure safety, and if by default or neglect these were not taken, then compensation for the injuries sustained shall be given, or to the family, in case of death. The idea was to fix responsibility for neglect or default; next to get rid of judge-made law, called the "Doctrine of Common Employment," which rendered personal responsibility a nullity. It gave a loophole of

<sup>1</sup> See Chap. XXIII., pars. 17 & 18, and Chap. XXIX., par. 14.

escape in the most negligent cases, and afforded opportunities for evasion of the law where the neglect was such that a criminal prosecution ought to have been instituted. There was nothing left to the workmen but to endure until a favourable opportunity came for practical legislation.

11. *Measures Proposed Prior to 1880.*—During the thirty-four years that elapsed between Lord Campbell's Act in 1846 and the Employers' Liability Act in 1880, there were fifteen Acts in which provisions were inserted relating to safety of workpeople, one of which, 27 & 28 Vict., c. 95, in 1864 amended Lord Campbell's Act. Reference has already been made to the Bills prepared, action in Parliament, and attitude of the Government in 1872, 1873, and 1874.<sup>1</sup> It is unnecessary to go over the same ground again, for the details would have to be the same.

12. *Mr. Macdonald's Bill.*—In the year 1877 the Bill of Mr. Alexander Macdonald, M.P. for Stafford, as amended and prepared by the Parliamentary Committee, was referred to a Select Committee of the House of Commons, Sir Henry Jackson, M.P., being the chairman. The Bill provided for the total abolition of the "doctrine of common employment." The Committee did not endorse this fully, but they proposed so to alter the law that an employer should be held liable for his representative as "vice-master." That Bill dropped. In 1879 a Bill was introduced by the then Government providing that corporate bodies should be held liable for injuries caused to workmen in the employ of such bodies by the negligence of the manager or managers. That Bill was withdrawn in July. It was reintroduced in 1880 by the Lord Chancellor in the House of Lords, and was referred to a Select Committee, which never met, owing to the dissolution.

13. *Employers' Liability Act, 1880.*—The Employers' Liability Act, 1880, is so well known, and the full text thereof is so easily obtainable, that only a bare summary of chief points is here required. Section 1 provides : (1)

<sup>1</sup> See Chap. XXIII., pars. 17 & 18, and Chap. XXIX., par. 14.

Where personal injury is caused to a workman by reason of defect in ways, works, machinery, or plant, connected with or used in the business of the employer ; or (2) of the negligence of person in superintendence ; or (3) of person in charge, to whose orders or directions the workman was bound to conform ; or (4) act of omission of person in service of employer, in obedience to rules, &c. ; or (5) negligence of person in charge or control of signal points, engine, or railway, the workman injured, or representatives, if death ensues, shall have the same right of compensation and remedies as any person not a workman who had been injured. This was but a clumsy and wordy way of getting rid of the "doctrine of common employment," with limitations as to liability. Then follow, in § 2, clauses safe-guarding the employer, under subsections (1) and (4) respectively, and then generally. § 3 limits the amount of compensation ; § 4 regulates procedure and notice in case of action ; § 5 provides for reduction of compensation in certain cases. The other sections relate more or less to legal procedure, to courts having jurisdiction, to notices, definitions, &c.

14. *Defects in Act of 1880.*—The Act of 1880 never gave satisfaction to the workers for whose benefit it was more or less intended. Seamen were excluded from its provisions because the Employers and Workmen Act, 1875, did not apply to them ; this was subsequently remedied by 43 & 44 Vict., c. 16, § 11. The chief cause of complaint was the costs of litigation. Employers insured, and the insurance companies resisted nearly every claim. Where trade unions took the matter up on behalf of their members the injured persons had some chance of compensation, otherwise very little. When compensation was awarded a considerable portion of it was swallowed up in costs. The Act was difficult to administer. Judges complained of its complexity and differed in their decisions. As far as compensation was concerned the Act in operation might have been described : How not to get it—not how to get it. Liability was hard to fix. But it did have the effect

of ensuring greater safety. Employers were taught the useful lesson that the responsibility for safety lay at their door. The lesson was costly, whether the employer lost or won the case. Mutual arrangements were sometimes made without litigation; this was best and cheapest for both parties. The Act did not satisfy employers or employed. There was no wholesomeness in it. Relations between the two parties were embittered. The remedy proved to be little better than the disease.<sup>1</sup>

15. *General Compensation Act Suggested.*—The dissatisfaction felt with the operation of the Employers' Liability Act paved the way for the Compensation Act. When I was in Parliament, and the subject of employers' liability came up for discussion, either in the House or in private conversation, several large employers of labour said, "Why do you not go in for compensation generally? It is only a matter of insurance. We are sick of litigation as to liability." My reply generally was, "We do not seek to saddle employers with undue responsibility." Their reply was, "We are more handicapped now, and yet we give no satisfaction to our workpeople." The above is the general purport of conversations between employers and myself. The trend of opinion was indicated by the remarks recorded. At the General Election, 1895, one of the party cries was, "A Compensation Act for workmen, irrespective of cause of accident." The cry took on, and led eventually to the enactment of the Workmen's Compensation Act, 1897—the 60 & 61 Vict., c. 38. The Act did not come into force until July 1, 1898. From that date till December 31, 1898, the Employers' Liability Act ran side by side with it, and thenceforward by the Temporary Acts Continuance Act, passed in each Session, down to this date, as the Act of 1880 continues to be included in such annual Acts.

16. *General Purport of Compensation Act.*—The Employers' Liability Act, 1880, "was merely an amendment, though an extensive one, of the hard Common Law rule,

<sup>1</sup> See Ruegg's "Employers' Liability Act, 1880," and "Howell's Handy Book of the Labour Laws," 3rd edition, 1895, chap. xii.



that a master's liability for the negligence of his servant ceases to exist where the negligence was that of a servant of the injured person. Further, that Act admitted the defences of contributory negligence and of voluntary acceptance of risk"; moreover, provision was made for contracting out of the provisions of the Act.<sup>1</sup> (1) The Compensation Act was at first restricted to employments "on or in or about a railway, factory, mine, quarry, or engineering work; or on, in or about any building which exceeds 30 feet in height, and is either being constructed or repaired by means of scaffolding, or being demolished, or on which machinery driven by steam, water, or other mechanical power is being used for the purpose of the construction, repair, or demolition thereof" (§ 7). By 63 & 64 Vict., c. 22 (1899), the Act of 1897 is applied, with restrictions, to agricultural work. In respect of the employments enumerated, the Act "almost unrestrictedly fixes the employer with liability to pay compensation to a workman personally injured, or to the 'dependents' of a workman killed by accident arising out of, and in the course of, his employment."<sup>2</sup>

17. *Restrictions as to Compensation and Liability.*—As Mr. J. M. Lely remarks, employers in the trades mentioned are "almost unrestrictedly fixed with liability" under the Act. But there are two or three limitations. The employer is not liable for any injury—(1) not disabling the workman for at least two weeks from earning full wages; or (2) if the injury is attributable to the serious and wilful misconduct of the workman; and (3) there is a limitation as to the weekly or total amount of compensation. As to amount, that is fixed at 50 per cent. of average weekly wages not exceeding 20s. per week, and in case of death a payment not exceeding £300.<sup>3</sup> The injured person may proceed under the Employers' Liability Act or the Compensation Act, some option being given as to procedure. Contracting out is

<sup>1</sup> See "The Annual Statutes," 1897, by J. M. Lely, p. xiv and p. 39 *et seq.*

<sup>2</sup> See above, same pp.

<sup>3</sup> *Ibid.*, p. xiv.

allowed, under statutory restrictions, by certificate of the Registrar of Friendly Societies, but any other arrangement for contracting out is prohibited. Existing contracts at date of commencement of the Act terminated, but arrangements were made by which compensation then due and accruing was determined as to payment and distribution. It cannot be denied that the object and intentions of the Act were excellent. Judges have complained of the drafting. Workmen have complained of its administration. All will admit that litigation has flourished. Workmen also complain that its operation is limited to certain trades.

18. *Defects in the Act, and Litigation.*—The drafting of the Bill was criticised on its first introduction. The Bar Council protested against the system of incorporation by reference with which the original Bill, and now the Act, abounds. This system complicates a statute, and often renders it difficult of interpretation, and therefore of administration.<sup>1</sup> A Joint Parliamentary Committee was appointed to consider "incorporation by reference," but it appears not to have met, or if it has no report is available, so far as I know, on the subject. Whatever the drafting defects of the Act may be, the judges have accentuated them by hypercritical distinctions and fanciful interpretations. One does not know what a "place" is; another does not know what a "scaffold" is; another does not know where to begin to measure a height of "30 feet." As well discuss what a "noun" is in English grammar, or a "verb," or "preposition." The expression "on, in, or about" has been a stumblingblock. If a workman be engaged on the side of a vessel in mid-stream, and has to do his work from a barge alongside, he is not "on" or "in" the vessel, but surely he is "about" it, if at work on the vessel from a hired barge. Employers and workmen in some large industries, like the cotton and coal trades, are dispensing with legal puerilities, quibbles, and "doctrines" of the courts, and are arranging compensation on common-sense lines to the advantage of all concerned.

<sup>1</sup> See J. M. Lely, "Statutes," 1897, p. xiv.

## CHAPTER XXXIX

### ARBITRATION AND CONCILIATION IN LABOUR DISPUTES

**A**TTEMPTS to deal with labour disputes and settle them by means of arbitration or conciliation is an evidence of advancing civilisation. The evolution of industry required it—necessitated it. But the principle is old enough. In a rude kind of way the old guilds so adjusted their differences. They decayed, however, and were dissolved in the reign of Edward VI., as monasteries and other religious houses had been in the reign of Henry VIII., “Defender of the Faith.” In primitive times, when industry was carried on by master and apprentice, master and servant, or master and a journeyman, there was, perhaps, little need of such a system. Indeed for many centuries the State had relieved all parties of the responsibility by fixing rates of wages, hours of labour, and other conditions of employment. To save further trouble justices of the peace were appointed to adjudicate in case of dispute, and enforce the decrees elaborately set forth in numerous statutes; where the latter failed they were empowered to decide the most intricate points according to their own inner consciousness. We are not in possession of any elaborate reports of their decisions, but doubtless they were characterised by that distinguished wisdom which peculiarly belonged to the “Great Unpaid” at the various periods.

1. *Origin of Arbitration by Reference of Court.*—It would appear that the idea of referring matters in dispute

to arbitration arose out of difficulties connected with trading and commercial cases, in instances where the judges felt that they required the services of experts to guide them. The object is pretty clearly set forth in the preamble and sections of 1 Jas. I., c. 10, passed in 1603, relating to Inns of Court, entitled "An Act for the better execution of justice," wherein the fees are fixed at rates that are not exorbitant. The intention of such references is still more evident from the amending Act, 9 Will. III., c. 15, "An Act for determining differences by arbitration." In such arbitrations the questions, or matters at issue, were not supremely difficult. They might be somewhat complicated at times, but they were limited to matters of fact. The difference arose mainly out of questions of bargaining or contract, expressed or implied, and the fulfilment of such contract. The issues had reference to the past and to damages at date sustained, or to recompense for non-fulfilment—the court having power to order fulfilment, or impose penalties in lieu thereof. Beyond this the future was not involved. In this respect trading and commercial disputes differ entirely from labour disputes, awards as to which deal only with the future. In the first case there is a present remedy for default; in the second there is no default, but a future bargain from date.

2. *Arbitration by Justices of the Peace.*—"Arbitration" in labour disputes was first instituted by statutory enactment in 1701 by 1 Anne, St. II., c. 22. That Act provided for reference being made in certain cases pertaining to "woollen, linen, fustian, cotton, and iron manufacture"; to (§ 3) arbitration before two justices to "prevent the oppression of the workpeople and ensure payment of wages in the current coin of the realm." The Act was for ten years only. In 1710 it was revived and made perpetual by 9 Anne, c. 30. It was extended to Ireland in 1716-17 by 3 Geo. II., and to Scotland in 1739-40 by 13 Geo. II., c. 8. In 1749 the provisions of those Acts were extended to various other trades, including the leather, fur, hemp, flax, mohair, and silk industries,

and, as regards payment of wages, to dyers, hot-pressers, and those engaged in other processes. Two objects were aimed at—the payment of rightful wages, and payment in the current coin of the realm.

3. *The Spitalfields Acts*.—In 1773 was passed 13 Geo. III., c. 68, "An Act to empower the magistrates of London, Westminster, and Middlesex to settle and regulate the wages of persons employed in the silk manufacture within the said jurisdiction." This was the first of the Spitalfields Acts. In 1792 it was extended to materials mixed with silk by 32 Geo. III., c. 44, amended in 1811 by 51 Geo. III., c. 7, the provisions in two previous Acts being extended to women. Those were designated the Spitalfields Acts.

4. *Further Enactments*.—In 1777 two Acts were passed; 17 Geo. III., c. 55 extended the provisions of the Acts of Anne and Geo. II. to the hat- and cap-making industries, while c. 56 provided that in certain cases there should be no conviction except before two justices of the peace. This plainly indicates that one only had sometimes, perhaps often, adjudicated, and further that injustice had in consequence been inflicted. The provisions relating to Ireland were amended in 1795 by 36 Geo. III., in 1800 by 40 Geo. III., and in 1810 by 50 Geo. III.—all Irish Acts specifically.

5. *Acts Relating to Arbitration and Combinations*.—In 1800 was passed 39 & 40 Geo. III., c. 90, "An Act for settling disputes that may arise between masters and workmen engaged in the cotton manufactures of England." In the same year the Act of the previous year relating to combinations of workmen was repealed, and a new and more stringent Act was passed in lieu thereof. Incidentally both of the two last-mentioned Acts related to labour disputes and modes of settlement. The Arbitration Act, 1800 (39 & 40 Geo. III., c. 90) was amended in 1802-3 by 43 Geo. III., c. 151; again in 1803-4 by 44 Geo. III., c. 87; in 1810, as to Ireland, by 50 Geo. III., c. 27; in 1812-13 by 53 Geo. III., c. 75 (also as to Ireland); in 1815, as to Stamp Duties on Awards, by 55 Geo. III.,

c. 184. In the year 1824 the Spitalfields Acts were repealed by 5 Geo. IV., c. 66, and also all the old unrepealed enactments by 5 Geo. IV., c. 96, a new consolidated Act being substituted for the repealed Acts.

6. *Nature of Labour Disputes dealt with under Old Acts.*—In all essential respects the questions adjudicated upon by justices of the peace relating to labour disputes were similar to those pertaining to trading and commercial disputes, though the conditions of reference, pleading, and adjudication were decidedly different. In the case of labour the dispute to be dealt with had reference to work actually done, and as to wages due therefor; or to lengths of work, in the case of silk, cotton, woollen, or other textiles; or to deductions for alleged bad work. Various other matters would often arise as to time of finish of work, delivery, and as to frame rents and other charges. But all these questions related to work done, not done, damaged, not delivered, and otherwise, at the date of complaint and arbitration. Future rates of wages—amounts to be paid—had no lot or part in legislation except possibly as to finishing a certain article in hand. It was not arbitration on labour questions, as we now understand the subject, but adjudication upon disputed points there and then at issue. How, indeed, could it be otherwise? Wages were arbitrarily fixed in very many industries. Workmen had no power to combine. “Courts of justice” for workmen meant appearance before a justice of the peace, or of two in certain cases, there to be adjudged on the evidence of the employer, who was backed up by a pile of statutory enactments—alas! and, as a rule, with the justices of the peace against them.

7. *The Consolidation Act, 1824.*—By a singular coincidence the 5 Geo. IV., c. 96 is bracketed, as it were, between c. 95, “Combinations of Workmen,” and c. 97, relating to “Artificers going Abroad.” The full title of the Act (c. 96) is “An Act to Consolidate and Amend the Laws relating to the Arbitration of Disputes between

Masters and Workmen." The law is made general, instead of being specific to particular trades, as enumerated in previous Acts. This continued to be the principal Act in force down to 1896, when it was repealed. It governed all subsequent enactments dealing with the same subject. Certain sections relating to procedure before justices of the peace were amended in 1833, and the Act was further amended in 1837 by the 7 Will. IV. and 1 Vict., c. 67, which was also in force down to 1896, even if now repealed.

8. *Further Enactments.*—Arbitration was applied to disputes by bargemen and others working on "or about" the River Thames in 1839 by 2 & 3 Vict., c. 71, § 37. The Act of 5 Geo. IV., c. 96 was further amended in 1845 by 8 & 9 Vict., c. 77, as regards hosiers, when the important principle of Tickets of Work was introduced, and as regards silk weavers by c. 128 in the same session. In 1854 the Common Law Procedure Act, 17 & 18 Vict., c. 125, amended the law as regards awards in arbitration cases, but that Act had reference to legal arbitrations generally—references by the court. The only advantage of the enactments in this connection was that workmen could be heard in their own behalf before the justices.

9. *The Conciliation Act, 1867.*—The Act of 1824, with all its good intentions, failed. It was never operative. The reason is to be found in § 2, thus: "But nothing in this Act contained shall authorise any justice or justices to establish a rate of wages, or price of labour or workmanship, at which the workmen shall in future be paid, unless with the mutual consent of both master and workmen." This principle was endorsed in the Act of 1867—the principal Act being still in force, unrepealed. Lord St. Leonard's Act provided for the establishment of permanent tribunals in all centres of industry, elected by popular suffrage, with the view of averting strikes and settling labour disputes by conciliation. George Odger and I waited by appointment upon his lordship at Boyle Farm, Thames Ditton, to discuss the provisions of the Bill.

His lordship ordered an excellent luncheon, affably showed us his pictures and library, especially the books he had himself written or edited, and otherwise entertained us. Knowing us both to be Radicals, I being then secretary of the Reform League, the noble lord excused the adoption of a popular suffrage in his Bill, saying, "I tried to avoid it, but could not—was obliged to fall back upon universal suffrage." The Act was never operative. It had in it the seeds of its own dissolution, as had the Act of 1824; both died from the same cause—the prohibition to fix a future rate of wages.

10. *The Arbitration Act, 1872.*—If ever an Act was designed to confer a benefit, it was the Arbitration Act, 1872. Drafted by Mr. R. S. Wright, at the instance of the Parliamentary Committee for the Trades Congress, it had the support generally of the workers. But the Act of 1824 still dominated the situation. The idea of fixing the rate of wages "at which workmen shall in future be paid" was regarded as a violation of the principles of political economy. Nevertheless, provision was made for "the mutual consent of both master and workmen," and forms of agreement were drawn up and published as an appendix to the Act, the whole being widely circulated. That Act, however, like its predecessors, remained inoperative, and was repealed with the others in 1896. Thus far all legislation had failed.

11. *Compulsory Arbitration by Legal Enactment.*—In recent years there has been a tendency to demand compulsory arbitration, some of the new labour leaders being its advocates. It has been tried in New Zealand, where, it is alleged, it has signally failed. This seems to have been admitted by the author of the measure. As well make litigation compulsory. In all trading and commercial disputes, before arbitration can be resorted to, the parties must enter an action at law. This is voluntary. Then, and then only, can the court refer the matter to arbitration. It would be monstrous to empower either side to compel the other to arbitrate, or any outside authority to take cognisance of a dispute and



refer it, without consent of either party. A cablegram from Sydney, dated December 7, 1901, and published in London on the 9th, would seem to indicate that the above requires to be somewhat modified. It is stated that the Legislature of New South Wales passed an Industrial Arbitration Bill, on the lines of that in force in New Zealand, on December 6th, and that it would receive the Royal Assent on the day following. By that measure all questions affecting labour are to be submitted to and be adjudicated upon by the court created by the Act. It has power to adjust wages, hours of labour, conditions of employment, and fix a minimum wage. Any strike or lock-out before a reference to the court is punishable as a misdemeanour by fine or imprisonment. Such compulsory powers are so drastic that time alone can determine as to the efficiency of the measure for the purposes designed, or as to its success as a labour law. My knowledge of industrial history leads me to doubt its wisdom or its policy. But the fact that New South Wales has adopted, in its essence, the Act of New Zealand, shows that the latter Act is not there regarded as a failure. That much requires to be said in modification of the views above expressed, written long before the cablegram, as above, was published in this country.

12. *Voluntary Conciliation and Arbitration*.—Although no kind of progress was ever made in settling labour disputes in this country by or under the provisions of statutory enactment, much has been done during the last three-and-thirty years by voluntary effort. Forty years ago it was very difficult to induce employers to meet the officials or delegates of trade unions to discuss matters. The latter received scant courtesy when they were admitted into the employer's presence. No wonder. Had there not been five centuries of legislation in which employers were always designated *masters*, and employed *servants*? The relationship implied mastership on the one hand, obedience on the other. The Church, not to be behind the State, preached obedience—"Servants, obey your masters." The situation became so accentuated that unquestioned obedience was

exacted, and given in most cases, however reluctantly. Now, obedience to orders is one thing; acceptance without question of pay and conditions is quite another. The State considerably helped the masters by fixing rates of wages, hours of labour, &c., and the strong arm of the law was ever ready to exact obedience, or, in default, to punish the disobedient. How, under such circumstances, could there be arbitration in labour disputes? The parties were unequally yoked. The *locus standi* was different.

13. *Conditions Essential to Arbitration.*—The one essential condition to a system of arbitration is the recognition of equality of rights as between the parties. They must stand before the tribunal on an equal footing. In former days, down even to the seventies, workmen were for ever being preached at about their duties; they were always being reminded about the masters' rights. In the pulpit, in the senate, in the press—everywhere we heard of masters' rights and workmen's duties. In a speech in St. Martin's Hall, more than forty years ago, I replied thus: "Labour has its rights as well as its duties; capital has its duties as well as its rights." The public, and especially employers, were slow to recognise this elementary fact, but to-day it is generally recognised as a basis of relationship between the hirer and the hired. In this connection bargaining is, for all practical purposes, like buying and selling commodities. The employer is the buyer, the workman the seller, of labour. This is the relative position in arbitration and conciliation. Other and higher conditions may here be set aside as not needful to be considered at this particular moment; but they exist, and cannot be ignored in the solution of the labour problem. For the man cannot be divorced from his labour. The seller of goods can be from the commodities in which he deals.

14. *Modes of Settling Labour Disputes.*—Among the pioneer advocates of arbitration and conciliation labour leaders take the first place. In the thirties, forties, and fifties peaceful methods were advocated by them. In the

sixties Lord St. Leonard's Act was carried by their efforts. In 1868, and at all subsequent Trades Union Congresses, special attention was given to the subject. At the Birmingham Congress, in 1869, arbitration was discussed at length, and heartily approved. Outside the ranks of labour, Mr. Mackinnon, M.P., in the first half of the nineteenth century, and Mr. A. J. Mundella, M.P., and Sir Rupert Kettle in the sixties and seventies represented what little public opinion there was among the employing class. They were few in number, but they were earnest, honest, and discreet.

15. *Sliding Scales*.—Those only who can remember the frequent strikes and rioting in the "iron districts" can realise the enormous change that has taken place under the reign of the "North of England Conciliation and Arbitration Board" in the iron and steel trades, the "Midland Wages Board," and other Boards which have come into existence since the first was organised. Mr. John Kane represented the workmen in the preparation of a scheme whereby wages should be in some way regulated without resorting to strikes. The first conference was held on March 1, 1869, and a permanent Board was established ere the month was out, which has continued to exist to the present time. The Pease family, Mr. Whittwell, and Dr. Spence Watson are honoured names in this connection; and the name of the late Edward Trow must be added. The men's representatives had first of all visited Nottingham, to obtain information as to the working of the Board established in the hosiery trades by Mr. A. J. Mundella. The result impressed them and helped them in their first endeavours.

16. The "sliding scale" may not be an ideal arrangement. It has no pretensions to mathematical exactitude. It has one great defect—the workmen have no voice in fixing or altering the selling price of iron and steel, the net average rates of which constitutes the basis of wages, regulating advances or reductions as the case may be. The prices are ascertained every two months, and the rates of wages are then determined on the basis of the net average

price for the ensuing two months. Wages follow prices in all cases up and down. Whatever defects the system might have, it has worked well. Actual arbitrations have been few ; the automatic regulation is almost uniformly accepted. During the last thirty years there have been enormous changes in the processes of manufacture and methods of production, but the Boards have been able to adapt themselves to all such changes, and to-day they are more influential and powerful than ever.

17. *Sliding Scale in the Coal Trade.*—The sliding scale system has been adopted in the coal industry, notably in South Wales and Monmouthshire and in South Staffordshire. But it has not worked so smoothly as in the iron and steel trades. In Wales it is proposed to abolish it, but the notices are unexpired. The difficulty that has arisen seems to be that the miners have no voice in settling the price of coal, that being the basis of the scale. The National Federation of Miners is averse to the scale. It proposes in lieu thereof a minimum rate, and then adjustments according to the state of trade. In the coal industry, however, there is this peculiarity : a basis rate is taken, some year being selected for the purpose. The rates of wages may go very far above that level or below it, being reckoned at so much per cent. above or below the basis rate. In a modified form some other industries have adopted a sliding scale adapted to their needs. The cotton industries of Lancashire have under consideration a plan, somewhat similar in kind, but up to now the basis has not been agreed upon. It would appear that the price of raw cotton has been proposed as a basis, not the selling price of the goods, as in the iron, steel, and coal industries. The system is not adapted to all trades. In the building trades it could not apply. It is equally unsuitable to various other occupations.

18. *Joint Committees.*—Committees consisting of an equal number of employers or employers' representatives, and of representatives of trade unions in the industries concerned, have been constituted in a number of important trades or groups of trades. Some are called Conciliation Boards,

some not. Among the more important are (1) the Joint Committee in the cotton industries; (2) that called into existence in the engineering trades; (3) that called a Conciliation Board, in connection with the coal industry, represented by the Miners' National Federation—also Boards in Durham and Northumberland; and (4) the Conciliation Board in the boot and shoe trades. In the building trades such committees have done excellent work. All such committees or boards deal with the questions that arise on their merits according to circumstances, the state of the labour market or the outlook, &c., as the case may be. On the whole, it may be said that they work fairly satisfactorily. Strikes are averted, confidence is restored, concessions are made, industrial peace is secured. Each side gets to know each other's difficulties. The instances in which the parties fail to agree are few and unimportant as compared with those in which disputes are arranged. Those who meet to discuss are experts in the matters at issue. There is no outside interference, influence, or pressure; and, as a general rule, those who come into contact honour and respect each other as a result of such contact.

19. *General Conciliation Boards.*—The London Chamber of Commerce deserves great credit for its action in calling into existence the Conciliation Board—a body which has done good service, by effecting settlements in labour disputes. In some other industrial centres similar efforts have been made not altogether without success. It is often fortunate to have a body of men ready at hand, as it were, who are willing and able to offer their services in case of need, especially if such men, by position, standing, knowledge, and experience, can command respect and inspire confidence—men who have no personal interest in the dispute, but whose desire is industrial peace, justice, and fair play. All such boards tend to encourage peaceful settlements by promoting negotiations between the parties—a valuable service in any emergency.

20. *Temporary Boards, or Committees.*—Oftentimes

when a dispute arises, some local gentlemen, often with the mayor, or a minister in the place, offer their services as mediators. They may not succeed, but they frequently pave the way to negotiations. Hitherto all such "outside interference" has been more or less resented. Employers like it least of all. There may be excellent reasons for this of a purely local character. Above all the best form of negotiation is, whether by conciliation or arbitration, by mutual contact and personal consideration of the points at issue.

21. *The Conciliation Act*, 1896.—This Act, 59 & 60 Vict., c. 30, is not of the "heroic" order. It proposes no ideal scheme. It repeals all former Acts, and with them the absurd limitation not to "fix a future rate of wages." It provides for the registration of Boards of Conciliation at date of Act, and those subsequently established; gives power to the Board of Trade to inquire into causes of dispute, to take steps to bring the parties together, to appoint conciliator on application of either party, and, on the application of both parties, appoint an arbitrator. In either case a copy of the memorandum of agreement, signed by the parties, is to be deposited with the Board of Trade. Power is given to the Board to aid in establishing conciliation boards, and to locally inquire into the conditions of the district or trade, and confer with employers and employed, local authority or body, as to the expediency of establishing a conciliation board. The power of appointing a conciliator on the application of either party is one which the Board of Trade rightfully hesitate to use. In the modesty of its provisions lies the strength of the Act. A more ambitious measure would have shared the fate of its predecessors. It has wisely excluded the Arbitration Act, 1889, from its provisions. The Act has given an impetus to conciliation by mere recognition. It has legalised all voluntary efforts in this direction.

22. *Operation of Conciliation Act*.—To say that the Conciliation Act has been a great success would perhaps be saying too much, at least it would inadequately repre-

sent the case. Its success has been mainly due to the cautious and careful way in which it has been administered by the Board of Trade. In any other hands than the late Sir Courtenay Boyle it might have spelt failure. He was a man of tact and judgment, he was cautious and prudent, above all he was sympathetic. He never sought to magnify the powers conferred by the Act, nor did he seek to make an extreme use of any of its provisions. His greatest triumph was the settlement of the dispute in the boot and shoe trades, and the establishment of a Board of Conciliation with Lord James of Hereford as arbitrator. The "statement" in that branch of industry covers, I am told, over one hundred items of processes and extras, many of so technical a character that only an expert could rightfully understand the claims and counter-claims. His chief failure was in the Penrhyn dispute, but for that he was not responsible. In divers ways and in numerous instances the Act has been instrumental in averting strikes and in settling disputes when they had arisen. Its influence and power for good are cumulative ; its full fruition is for the future.

23. *Public Opinion and Conciliation.*—There has been a wonderful change in public opinion respecting labour disputes and modes of settlement during the last thirty years. We have probably outstripped in the race the "Conseils des prud'hommes" in France and Belgium, armed as they were with legal authority. The progress has been apparently slow, but it has been continuous, sure, and increases in speed as time goes on. Employers no longer look askance at it ; workmen favour it ; the Press advocates it. Here and there aloofness is manifest, as in Lord Penrhyn's case and by the directors of the Taff Vale Railway Company. Indeed, railway companies as a rule will have none of it. But the North-Eastern tried it, and, under Lord James of Hereford, it was a success. Sometimes one or other of the parties seek to exclude certain questions from adjudication or even consideration. Possibly there are cases in which limitation is justifiable. But frankness is indispensable. A high

sense of honour ought to actuate those who refer matters in dispute to conciliation, or, failing settlement, to arbitration. As this feeling grows so will men be more and more inspired with confidence, and as a result strikes and lock-outs will decrease until, let us hope, peaceful methods will prevail and become general in all the industries of the country.

24. *American Scheme of Conciliation and Arbitration.*—

The most important effort yet made to promote industrial peace was inaugurated by a Conference held in New York City on December 15 and 16, 1901, the proceedings of which are briefly reported in the *American Federationist*.<sup>1</sup> By its resolves "The Industrial Department of the National Civic Federation" was constituted. The Executive Committee consists of twelve large employers of labour, twelve representatives of labour organisations, and thirteen gentlemen of repute and fame in public life, one being *ex officio*. The object of the "Department" is "the promotion of industrial peace," by negotiation, conciliation, and arbitration if need be. Its purpose is to avert strikes and lock-outs, by mutual arrangement between the parties, or by reference to the Committee, or the Department as a whole, if mutual negotiation fails. Its methods are conciliation and arbitration when so referred. It is voluntary in operation, no State aid being invoked. The high character of the men associated with the enterprise, together with the aims and objects of the Department so created, will doubtless command respect and success.

<sup>1</sup> See *American Federationist*, January, 1902.



## CHAPTER XL

LABOUR MOVEMENTS, LEGISLATION, AND PROGRESS,  
1890-1901

**D**URING a period of some fourteen years following the enactment of the Labour Laws in 1875, trade unions progressed and prospered. Organisation was improved and extended. Their numerical strength was largely augmented. Their resources increased, and vast funds had accumulated. They had passed through the terrible commercial crisis from 1876 to 1879, and emerged therefrom without being bankrupt, in spite of the fact that the drain on their funds in 1879 was unparalleled. This quiet, peaceful progress seems to have been misinterpreted by some of the younger and more ardent members of trade unions and the newer converts to trade unionism. Some declared that the position was one of stagnation, and that a shaking of the dry bones was essential. As those sentiments were cheered (and some persons in meeting assembled will cheer almost anything) the speakers denounced the "old leaders" as "old fogeys," and urged that labour had been on the defensive long enough. It was high time to become aggressive, said they, and aggression was preached up and down, until a militant unionism was created, and some unions were formed exclusively and defiantly on that principle.

1. *The Dockers' Strike: Origin of New Unionism.*—As the origin, progress, and programme of the New Unionists have been dealt with at some length and fulness in

"Trade Unionism, New and Old,"<sup>1</sup> it is unnecessary to go over the same ground in this volume. The "New Unionism" was the designation given to the "forward movement" by the "New Leaders" themselves, to distinguish it from the unionism represented by the "old fogeys," or, as they were generally called, the "old gang." The new departure originated with the dockers' strike in August, 1889. For many months previously efforts were being made to organise the dockers, for a long time with scant success. In those preliminary efforts the only name of prominence was that of Mr. Ben Tillett, and he was thwarted and denounced until, at his request, I interposed and besought fair-play for him. When the strike took place helpers sprung up in all directions, and some of the new men came to the front as labour leaders. The New Socialism had begun to permeate the East End workers, more especially those about the docks; and at the great meeting held in the Assembly Room, Mile End, which I attended and addressed, there were cheers for the "Social Democratic Revolution." The seed had only recently been sown, but men already sighed for the harvest.

2. *Attitude towards Non-Unionists.*—One of the marked features of the New Unionists was their fierceness of determination to compel all persons working at a trade or occupation to join the union representing such trade. This had always been a difficulty with the old leaders. They fought for the right to combine, and pledged their honour that they did not seek for enlarged powers to coerce and compel. This policy dominated trade unions from 1875 to 1889. There were instances of disputes as to the employment of non-union men, and some few strikes against them, but generally the unions progressed in numbers and influence under moral pressure alone, by organisation and propagandism. This was too slow for the new converts and their apostles. The dockers demanded that every man should join the union and show his badge or button to the union official when required. Several

<sup>1</sup> See "Trade Unionism, New and Old," by George Howell, third edition, 1900, Methuen & Co., 2s. 6d.

other new unions adopted the same policy—an aggressive, militant unionism, which said, not *let them* all come, but *you must* all come, into the union. The policy broke down; the Dockers' Union to-day is a conspicuous example of its failure. Other unions have had to modify its policy in this respect. Unionism has never been quite free from the taint of coercion, but from 1875 until the autumn of 1889 it was tolerant, if not quiescent.

3. *Intimidation and Assault*.—In no period within my experience was intimidation openly proclaimed and condoned as it was in the early days of the New Unionism. In my book, previously referred to, I quote instances, one of which was enough to shock any well-regulated mind.<sup>1</sup> (1) Some excuse may be urged in mitigation of punishment when violence is resorted to under the stress and strain of labour troubles, and courts of law often allow such in other cases when an assault is unpremeditated and is the result of sudden passion or alleged provocation. But if the violence has been planned or is the outcome of pre-concerted action, the offenders, the guilty parties have no excuse. Violence, even outrage, was not uncommon in the olden times prior to the repeal of the Combination Laws. It decreased under the improved legislation of the last thirty years; occasionally it found vent later, as in the cotton districts, in 1878, and unhappily it has manifested a tendency to increase after 1889. It is a policy fraught with evil. It revives all the old prejudices against trade unions. It has nerved employers to fresh resistance. It has led the courts of law to be more severe in condemnation and punishments. And what is gained? No labour dispute was ever won by violence; many have been lost through resorting to it. The "old gang," to their credit, set their faces against it continuously.

4. *Aggressive Trade Unionism*.—Aggressiveness is the distinctive characteristic of trade unionism. Without it trade unions would soon cease to exist. Sometimes a union will display this motto on its rules, "Defence, not defiance." Employers also often allege that the object of

<sup>1</sup> See "Trade Unionism, New and Old," chap. vii. p. 160.

their association or federation is defensive, in no sense aggressive. This is all moonshine. When workmen, through their union, demand higher wages, a reduction of working hours, or better conditions of employment, the action is aggressive ; when employers resist it is defensive. When employers seek to reduce wages, extend the hours of labour or impose conditions of employment to which the workpeople object, that is aggression ; resistance by the workers is essentially defensive. This state of things is natural under the industrial system which exists, where there are employers and employed. The antagonisms might be softened, strikes and lock-outs might be averted by mutual negotiation or conciliation, or be settled by arbitration. But the fact remains that aggressive action on one side or the other has led to a dispute, be the mode of settlement what it may in the end. All this is known and recognised as inevitable in the relationship between capital and labour ; the older and the newer unions alike have to deal with questions of wages, hours of labour, conditions of employment, &c., from the same standpoint.

5. "*Fighting Unions*" *Alarm Employers*.—What was it, then, that aroused the ire of employers ? The loudly proclaimed declaration on the part of the New Unionists that the unions should be "fighting machines." Some of the new labour leaders sneered at the provident benefits of the "old unions" ; they were called "beastly rich" because they had large funds in hand to provide for men out of work, for the sick, the aged, for the burial of members and their wives, and other provident purposes. Other unions had long existed, were then, and are still in existence, which only provided trade benefits, that is, dispute pay, with, in nearly all cases, funeral benefit, but none other. Those, however, did not proclaim themselves "fighting machines." They simply adopted that form of organisation which the members believed to be best adapted to their wants and the conditions of their own industry. When the bugle-call sounded "To arms !" employers became alarmed. "The National Federation

of Employers," formed in 1873, had been dissolved, but other federations were speedily organised when the New Unionists proclaimed an aggressive policy, and founded unions with the avowed object of using them only as fighting machines. A quietly progressive policy employers know to be inevitable. They had got to recognise its existence as a factor in the evolution of industry. But an avowed policy of aggression—well, self-preservation—is the first law of nature, and defensive measures had to be taken.

6. *Reorganisation of Industry: Abolition of Capitalists.*—The new unionism was largely permeated by the new socialism. That of Robert Owen was personal by mutual co-operation—communities working out their redemption in their own way, industrially and socially, with the view of developing in all and each the best and highest qualities. The new socialism was impersonal. The individual went for nothing. The State was to regulate everything. To use the Socialists' own formula, as expressed in hundreds of resolutions passed at hundreds of meetings, the State was to capture all "the means of production, distribution, and exchange," and become the sole owner of everything and the sole employer of everybody. Capitalists and capitalism were to be abolished. The speeches of that period abounded in wild talk, such as "taking capital by the throat," all very silly—worse, wicked; but the audiences cheered. One could but say, "They know not what they do." But the leaders! Well, they seldom repeat such nonsense now. Their pet resolution no longer appears on the Trades Congress programme or agenda; we hear little of it at delegate meetings or at public meetings, except, it may be, within the "inner circle." Employers, no doubt, resented the language used and scouted the proposals. Trade unionists did not seem to see that they too must go under the Socialists' scheme of reconstruction. How true is it, "A fool's eyes are in the ends of the earth"! He cannot see things at his own door.

7. *Universal Eight Hours' Day.*—The mass of the

workers care very little about theories of Government, or other theories, social or industrial. Tangible things they understand, such as higher wages and fewer hours of labour. The proposal for a universal eight hours' day "took on." Labour leaders baited their speeches with it, and the masses in public meeting assembled gulped it down. After being discussed during 1890 and 1891, the Trades Union Congress was "captured," and also some labour unions and a few *bonâ fide* trade unions. Then a Bill was drafted to ensure the adoption of an eight-hour day in all industries, and to enforce its provisions. It is unique, and so short that I quote it :—

"§ 1. On and after the 1st day of January, 1892, no person shall work, or cause or suffer any other person to work, on sea or land, in any capacity, under any contract, or agreement, or articles for hire of labour, or for personal service on sea or land (except in case of accident), for more than eight hours in any one day of twenty-four hours, or for more than forty-eight hours in any one week."

The penalties for breach of the law were to be inflicted solely upon the employer who permitted or suffered the person to work, and not upon the person who violated the Act by working more than the statutory eight hours.<sup>1</sup>

8. *Law versus Mutual Arrangement.*—As a piece of Parliamentary drafting the Bill was a model. It was brief, concise, drastic, and of universal application. There was great difficulty in getting any labour member to back the Bill. The secretary of the Parliamentary Committee refused to take charge of it, though the Trades Congress had endorsed its principles. "Mabon" introduced it at last; it was read a first time, and printed. Of late years, very little has been heard of the proposals it contained. There was, however, on the agenda of resolutions for the Trades Congress at Swansea, September 2–7, 1901, a resolution by the Gasworkers' Union for a universal eight-hours' day. This was but a faint echo of the

<sup>1</sup> See "Trade Unionism New and Old," chap. viii. p. 205.

agitation of ten years previously. The miners connected with the National Federation support the Miners' Eight Hours' Bill, relying upon legislation alone to obtain and enforce the eight-hours' system in coal-mines. Up to now (December, 1901) the only reduction in working hours by legislation has been in the case of signalmen on railways, to ensure safety of travellers mainly; and a reduction of one hour on Saturdays in the cotton trades of Lancashire by the Act of 1901. But by voluntary arrangement the hours have been reduced in various industries and trades within the last ten years; in some an eight-hour day has been adopted, and according to all accounts the system has worked, and is working, well in most instances.

9. *Labour Disputes since 1889.*—There was a considerable period of unrest from the date of the dockers' strike, in 1889, and there was a tendency to enlarge the area of strikes by "striking in sympathy." Gradually, however, the labour leaders, especially those who were the chief officers of trade unions, began to see that "strikes in sympathy" were impolitic and dangerous. Strikes among the dockers were very numerous, until the Shipping Federation organised a non-union corps to frustrate the union's tactics. In the shipping trade also there were many strikes, some stubborn and of long duration. In the end, the Seamen and Firemen's Union was practically broken up, after a stormy existence of some years. The great strike in the coal trade ended in a Board of Conciliation. That in the boot and shoe trades also ended in the same way. The great engineering strike terminated by a conference, the outcome of which was a joint committee to consider and deal with differences which arise. Latterly, labour disputes have been less bitter than they were from 1889 to 1895. There seems to be a disposition to return to the milder tactics observable in the preceding decade. Coarse, vulgar abuse is not now often indulged in, as was the case a few years ago. The New Unionism has been fused into the old; all that was best in the latter has been retained, with an

infusion of new life, more vigour ; and a bolder programme has been manifest in most of the unions.

10. *Growth of Unionism since 1890.*—The advent of the New Unionism undoubtedly gave a new impetus to the organisation of labour. It was felt first and foremost in the ranks of those covered by the distasteful term—"unskilled labour." The movement did not originate in 1889 or 1890. The agricultural labourers were organised in the early seventies. Builders' labourers were organised after a fashion before that date. Postmen were being organised in 1872, and a paper thereon was read by me at the Leeds Congress in January, 1873. For the most part the workers influenced were gas-workers, navvies, and general labourers ; carmen, 'bus-men, and later, tramway men ; cabmen were in union earlier ; later on, the employees under various local bodies, municipal councils, county, district, and parish councils, local boards, and the like ; seamen and firemen in the mercantile marine ; dockers, and all engaged in riverside labour ; and workers in a number of miscellaneous trades who had neglected organisation. There was a shaking of the dry bones of non-unionism. The swelling tide lifted the older unions to a higher level in membership than ever before. Enthusiasm was evoked, and the timid came into the fold—some for fear of boycott, others merely by reason of awakened interest. Unionism was pushed to the front, and new men, outside the ranks of labour, espoused it, advocated it, and supported it. Sections of men now belong to unions in occupations where, formerly, unionism was flouted.

11. *Federations of Employers and Workmen.*—The desire for huge federations was reawakened in the early nineties. I say "reawakened" because the idea was an old one among the trades. What was called the "Consolidated Union," started in 1833, and which flourished throughout 1834, was a federation of various unions for common purposes. The "National Association," started in the forties, and which had a feeble existence down to 1867, was a federation. The "Asso-



ciation of Organised Trades," started in Sheffield in the sixties, tried to effect some such federation. There were other attempts which need not be specified. Among the employers there was the "National Federation of Associated Employers of Labour," started in 1873, continued throughout 1874 and 1875. There had previously been federations of employers' associations in the building, engineering, textile, coal and iron, and other trades. Some of these had, however, become almost quiescent during the eighties.

12. *Proposed Federation of Trades.*—The New Unionists became eager for a gigantic federation of all trades. The Trades Congress had discussed the matter in 1875 and 1876, and a plan of federation was drawn up, but was rejected. The scheme was revised, and again rejected. One outcome of it was the federation of the engineering, shipbuilding, and allied trades, but the Engineers' Society withdrew from it as soon as the federation was formed and the rules were agreed upon. For a brief period the London building trades federated, temporarily.

13. *General Federation of Trade Unions.*—After prolonged discussions and negotiations, "The General Federation of Trade Unions" was effected in 1899. Its second annual report brings its history down to June 30, 1901, when it included 72 unions, with an aggregate of 409,849 members. Its income amounted to £30,283 18s. 6d.; the expenditure to £5,168 7s. 8d. The balance in hand, called a Reserve Fund, was £47,007 5s. 2d., inclusive of the amount brought forward from the previous year.<sup>1</sup> The Federation has, according to its reports, endeavoured to promote peace rather than foment strikes. It appears that the Council has set its face against "the sympathetic strike policy," and found that it worked successfully. It is beset with a double difficulty. If it should too quickly endorse the action of individual unions in the matter of strikes, the

<sup>1</sup> On December 31, 1901, the number of unions federated was 75; number of members affiliated 420,606; balance in hand £57,043 4s. 9d., of which £40,000 had been "invested" in Corporation Stock.

funds will be impoverished, and, instead of a balance in hand, there might be a deficit. On the other hand, if it should show any eagerness to discourage strikes, or too readily settle them, it will run the risk of being discredited by the impetuous. Yet the last-named policy is the best and safest. It will, however, require pluck, prudence, and firmness on the part of the Council. In the olden days, the secretary of a union had often to risk his salary and position when he set his face against the more aggressive members; but, in the end, they respected and trusted him all the more.

14. *Federations of Employers.*—During the past ten years federations of employers have increased in number, the older ones have extended, and generally they are better organised than formerly. Doubtless an impetus was given in this direction by the eagerness shown by the New Unionists, to establish a general federation of all trades. Employers saw in it a desire to extend and strengthen militant unionism. A milder policy will remove this feeling of mistrust or distrust. Certainly the fighting mood has not been conspicuous since the engineers' strike and lock-out in 1897-98. If better organisation tends to produce peace instead of discord, then great federations will be a blessing, not a curse. One thing is conducive to this end, namely, variety of interests. This operates in trades unions when the whole body has to vote for or against a strike. The impetuosity of would-be strikers is moderated by men in other towns not personally concerned in the dispute. With employers individual interests come in, and the voice of reason is heard, loudly or feebly, as the case may be. At the present time (December, 1901) this may safely be said: The great federations on either side have not been provocative of labour struggles; it can, I think, be shown that they have rather tended to negotiation than to industrial warfare. But it would be unwise to assume that this will be ever so.

15. *A Decade of Legislation.*—During the last decade over fifty enactments affecting labour have been placed

upon the Statute Book, only two of which have been upon new lines, viz., the Conciliation Act, 1896, and the Compensation Act, 1897. All the others have been in the shape of amendments to and extensions of previous legislation. Some of the Acts mentioned in the list are most important, especially those extending the provisions of the Factory and Workshop Acts to other trades, notably to "dangerous trades"; amendments of the Mines Regulation Acts, and improvement of the Merchant Shipping Acts, due to Mr. Plimsoll outside the House, and to the present writer in the House, who succeeded in carrying the measures. The Acts relating to railway employees have been extended and improved, and also the Truck Acts. If the Acts passed since 1889 have not been remarkable for new departures, they have been most valuable in their character and tendency. Extended safety to life and limb has characterised many of them, and improved conditions of employment others. In no single instance that I can recall have the old and new unionists come into collision over the provisions in the Acts passed. Evolution and the law of gradual progress have been silently at work. It is a sign of national growth that the changes effected have not provoked that bitterness of opposition which was so lamentable an element thirty years ago.<sup>1</sup>

16. *Other Signs of Progress.*—Perhaps the most remarkable change during the last ten years or so has been in the attitude of the public as regards employment by the Government and public bodies. The Government was induced by a resolution of the House of Commons to recognise what is termed the trade union rates of wages in various trades, and to insert provisions in their contracts that those rates should be paid. Many of the great local bodies of the kingdom have also adopted that system. The eight-hours' day has been recognised by the Government in various industries; this gave an impetus to other bodies, and possibly to some private firms, to try the experiment, and in most cases the change has succeeded.

<sup>1</sup> See Chap. XL., par. 12, for complete list of Acts, 1868 to 1901, inclusive.

The cry has gone forth that the Government and public authorities should be model employers, and to some extent this principle is recognised and accepted. Resistance comes in when these bodies, subjected to political pressure, are made a leverage by means of which "private employers" are forced to follow their example, whether willing or not. This is a matter which has to be discussed on its merits in each case. If the employer contracts with the Government or a public authority, he must fulfil the conditions of the contract irrespective of his likes or dislikes. He has agreed to the terms; he must fulfil them. To compete by means of underpaid labour is injurious to the State, and therefore the Government ought to discourage it in its own interests.

## CHAPTER XLI

### MR. CHAMBERLAIN V. LABOUR LEADERS AND LEGISLATION

**D**URING the election campaign in 1900, the Right Hon. Joseph Chamberlain, M.P., Colonial Secretary, addressing a meeting in opposition to a Labour-Liberal candidate, at Birmingham, on September 29th, is reported to have denounced labour members as "only items in the voting machine" of the House of Commons; and he went on to declare that, to the best of his recollection, "not one of those gentlemen had ever initiated or carried through legislation for the benefit of the working classes, though occasionally they had hindered such legislation." This declaration was widely commented upon at the time, and I distinctly challenged it in the *Morning Leader* of October 1, 1900, and in a letter over my own signature in the *Westminster Gazette* of October 2nd. Mr. Chamberlain never repudiated the charge of having used the words attributed to him, nor has he ever attempted to explain or modify his statement. Presumably, therefore, the words attributed to him, as reported, were essentially correct. Mr. Chamberlain was never esteemed an authority on matters of history by friend or foe; but his lack of knowledge of industrial history is almost phenomenal, taking the above declaration as a specimen of his acquired information.

1. *Mr. Chamberlain's Specific Charges.*—Mr. Chamberlain used two terms which need differentiation. He stated that none of the labour leaders "had ever initiated or

carried through legislation for the benefit of the working classes." Neither charge is true, but their chances of "carrying through legislation" has always been limited. The power to do so is circumscribed. The labour member, like all other "private members," only more so, is at the mercy of the Government of the day and of any single member who, with or without reason, "objects," when the Bill is reached, in the "Orders of the Day." The member who desires to carry a measure must disarm opposition on the part of the Government and the House—not an easy matter to accomplish in any case, more difficult for the labour member usually, because he has to get through legislation of a special kind, of interest to his class. Hence the comparative fewness of the measures actually carried through by labour members. But these are few in number compared with the whole House—at the most, say one-seventieth of the total; and they first made their appearance in 1874, with only two members. In the twenty-seven years since that date they have numbered as many as a dozen, but in most Parliaments fewer than a dozen. Nevertheless, in proportion to numbers and opportunities, their record of legislation "carried through" is not so wholly contemptible as is implied in Mr. Chamberlain's spiteful remarks.

2. *Initiation of Legislation.*—The charge of not initiating legislation is so gross, so perversely opposite to the truth, that one wonders how even the Colonial Secretary could have given utterance to it. To initiate, as I understand the term, is to take the first step, to introduce, or commence, or begin. If Mr. Chamberlain desires to limit the term to the introduction of a Bill, be it so. But that would mean a device to deceive, an election dodge, to be explained away after the occasion, when it had served a politician's purpose. I shall use the term initiate in the sense of performing the first act, taking the first step in matters of legislation, whether or not the person or persons so acting were able to introduce into Parliament the measure or measures in question, for the purposes desired.

3. *Hindering Legislation.*—Mr. Chamberlain further said that labour leaders had occasionally “hindered such legislation”—*i.e.*, “for the benefit of the working classes.” It is, perhaps, hardly worth while to treat this charge seriously. It might be purely a matter of opinion whether this speech or that, this vote or that, may have, on occasion, hindered a specific measure. To weigh all the *pros* and *cons* would require pages for particular measures, and even then opinion would be divided. But this general principle may be proclaimed—that the working-class leaders in the House of Commons have been true to their trust in all matters pertaining to labour.

4. *Instances of Initiation other than by Labour Leaders.*—I do not desire to claim too much for labour leaders. Their sphere of action is limited. Only for a little over a quarter of a century has their voice been heard in Parliament. Before 1867 they had really no very direct voice even in the election of representatives. Up to that date they had the platform, the street corner, or the hill-side, with the ugly chance of prosecution and the prison, and sometimes the mark of a policeman’s bâton or a sabre cut by way of change. They helped to initiate and carry Parliamentary reform to ensure legislation. It would not only be ungenerous, but ignoble to deny that legislation had been both initiated and carried “for the benefit of the working classes” by others than labour leaders. The first Factory Act, in 1802, was of this class. But that was regarded as little more than a kind of supplementary Poor Law, and is, as such, included in Mr. Tidd Pratt’s “Poor Law Statutes,” published in 1849. But almost every Act after that date bore the impress of the labour leaders’ influence in the factory districts; Richard Öastler, Rev. G. S. Bull, M. T. Sadler, John Fielden, Lord Ashley (Lord Shaftesbury), Rev. J. R. Stephens, and others only voiced the bitter cry of the distressed operatives at that period. Thank heaven that such men existed! Labour’s feeble cry would not have been heard inside of St. Stephen’s but for their energy, pluck, perseverance, high character, pure motives, and the desire to improve the condition of the labouring classes.

5. *Protection for Miners.*—The initial step in respect of mines' regulation was due to the inquiry instituted by Royal Commission, in pursuance of a resolution passed by the House of Commons on August 4, 1840. Lord Ashley, afterwards Earl of Shaftesbury, was the prime mover on that occasion, and probably deserves the high compliment of having taken the initiative; even then it was prompted by the bitter cry of children from the mines. The inquiry of that date was a memorable one, and the report, dated January 30, 1843, was by far the most important ever issued up to that date; indeed, few better have ever appeared. But all subsequent legislation as regards mines and miners has been the outcome of the initiative taken by miners themselves, especially at and from their conference at Leeds in 1863. Nearly every clause in subsequent Bills brought into the House of Commons was foreshadowed and advocated at that conference, thirty-eight years ago.

6. *Other Measures.*—The Chimney Sweepers' Act, to prevent or regulate the climbing of boys, was the outcome of others than workmen, and ended in excellent results. But the Bakehouses' Regulation Act, 1863, was the outcome of the operative bakers' agitation, an inquiry having preceded the Act. All subsequent legislation, poor in results as it may have been in many respects, has been promoted by the operative bakers, supported by labour leaders.

7. *General Legislation other than on Labour Questions.*—The list of legislative measures on matters pertaining specially to labour is well-nigh exhausted. It can scarcely be denied that the demand for political enfranchisement came from the voteless masses, and was used as the battle-cry of political parties for their own party ends. The demand for education arose among a small but patriotic section of the middle classes, but the men most prominent in its advocacy were the Chartists, almost entirely composed of working men. The battle for the free Press was mainly fought and won by labour leaders of that day, though not designated as such. Henry Hetherington, John Cleave, Richard Moore, James



Watson, William Lovett, William Carpenter, and some others, all working men, were in the forefront, supported by such men as Francis Place, Dr. J. R. Black, and others of the middle class. Another section helped to secure a cheap Press, and deserve our gratitude. The demand for healthier dwellings arose among the workers, and was backed up by men of knowledge and experience, who saw the danger of pestilential dens to the surrounding inhabitants, and became alarmed at the danger. With many it was a mere question of safety from epidemic diseases, then so prevalent. The list could be enlarged as regards general measures, but sufficient has been said to show that "those gentlemen," as denominated by Mr. Chamberlain, did "initiate," if they did not "carry through" legislation.

8. *Specific Instances of Initiative*.—Any general repudiation of Mr. Chamberlain's dictum might be regarded by that gentleman as valueless, but specific instances of "legislation for the benefit of the working classes" initiated by labour leaders cannot be ignored or pooh-poohed out of the way. He gave the challenge; I accept it; here are some facts for his consideration :—

(a) *Compensation for Injuries*.—Mr. Chamberlain has always prided himself upon the passing of the Employers' Liability Act, 1880. Is he altogether unaware of the history of that measure, and the various initial stages that led up to it? Until 1837 the Common Law prevailed, derived in this case, apparently, from the Roman Law, which made no distinction between the person employed and others, in case of injury caused by another, whether from neglect or otherwise. In the case of *Priestly v. Fowler*, in 1837, the doctrine of common employment was raised, when it was decided that a person injured by the negligence of a fellow-servant in the same employ could not recover compensation from the employer. The miners especially complained of that decision, and in 1846 Lord Campbell apparently endeavoured to set aside that decision in cases of fatal accidents by the 9 and 10 Vict., c. 93.

In 1858 the Scottish miners brought an action, subsequently known as the Bartonshill Coal Company *v.* Reid. The Scotch Courts, which up to that date had not legally recognised the doctrine of common employment, as laid down in 1837, gave a verdict in favour of the injured persons. The colliery company appealed, and carried the case to the House of Lords, whose decision reversed that of the Scotch Court, the verdict being in favour of the company. From that date the doctrine of common employment held good in Great Britain, many decisions being given to uphold it, the Act of 1846 notwithstanding.

In 1863 the miners, in conference assembled in Leeds, framed the outline of a Bill dealing with that matter. From that date to 1869 the agitation was carried on mainly by the miners. When the Parliamentary Committee of the Trades Congress was constituted, that Committee took over the Bill prepared under the auspices of Mr. Alexander Macdonald, and thenceforward carried on the agitation. The Committee had the Bill redrafted, and Mr. J. Hinde Palmer took charge of it in the House of Commons. Then Mr. Chichester Fortescue undertook to introduce a Bill on behalf of the Government, and he informed me that the Bill was actually prepared. Doubtless, therefore, Mr. Chamberlain found in the pigeon-holes of his Department the chief provisions embodied in his own Bill of 1880. In any case, the initiative in this instance was by the labour leaders, their chief demands having been formulated at least seventeen years before Mr. Chamberlain gave a sign of acquiescence.

(*b*) *Arbitration and Conciliation in Labour Disputes.*—The first sign in favour of some mode of referring labour disputes to arbitration came from the Spitalfields weavers. Justices had already the right to adjudicate, but only by means of summons or action. This was too costly and too uncertain for the weavers, and therefore they sought a remedy in what is known as the Spitalfields Acts, by a simple reference to the magistrates. The cost was a nominal fee of, I think, one shilling. But the method

was not satisfactory to the workers, however it might have been to the masters. In those days the Combination Laws operated, and justices still had the power to fix and regulate wages.

In 1824 all existing Statutes were consolidated and amended by 5 Geo. IV., c. 96, the old enactments being repealed by c. 66, same year. The Consolidation Act of 1824 was the principal Act in force until repealed by the Conciliation Act of 1896, but it was never operative. The Conciliation Act of 1867 was promoted by the National Association of Trades, and was carried by Lord St. Leonards. But as it followed the foolish lines of 1824, that also was inoperative. The Arbitration Act, 1872, was promoted by the Parliamentary Committee, with the sanction of the Trades Congress. That also failed. Why? Because all these Acts were so framed that labour disputes could not be really adjusted under the provisions.

The Conciliation Act of 1896 was in danger of the same fate—absolute failure. The Bill of Mr. Mundella did not propose to repeal either of the Acts mentioned (1824, 1867, or 1872), the provisions in which would have rendered it abortive. In the Act of 1896 they are repealed, and the measure has had some success. I felt bound, in my place in Parliament, to protest against the Bill of Mr. Mundella, and helped to defeat it. Why? Because provisions in other Acts, not proposed to be repealed, prohibited fixing the rates of wages to be paid in future. But that is just what arbitration, or an agreement by a Conciliation Board, must do. The matter in dispute has no past, practically no present; the award or agreement must inevitably have reference to the future, be the period long or short, for in any case the term of its operation can be fixed. The Act of 1824 was drafted by lawyers, instructed by “statesmen”; neither knew anything about labour in the proper sense of that word or of workmen who live by labour. Labour leaders were not consulted. In the two subsequent Acts the labour leaders were consulted, but their protests were dis-

regarded, and the draftsmen adhered to the old lines. The present Act had the advantage of criticism by practical labour leaders, and hence the advance. The old Acts implied legislative sanction, but in effect said, not to be put in force. The new Act is not ambitious, but it is capable of being utilised on occasion.

(c) *Legislation as to Wages.*—In all matters pertaining to wages—payments, deductions, rightful weight and measure, recovery, attachment or arrestment, and the like, it would be idle to suppose that workmen owe much to statesmen or employers, except under pressure. It may be taken for granted that all measures for facilitating the payment of full wages without reductions, &c., originated with the then labour leaders. They had heard the bitter cry of truck and other devices for robbing the poor man of his rightful dues—had themselves seen and felt the pinch. Hence they were in the forefront of the several movements. The miners demanded the check-weigher to secure full payment by results. The textile workers sought “particulars of work” to prevent cheating by unprincipled employers. In all such cases the workpeople were complainants; the labour leaders voiced such complaints, and to their initiative was due the remedies applied. In the list of Acts subsequently given many enactments deal with various aspects of the “wages question,” as above indicated. Labour leaders may claim the credit of initiative in all instances where the advantage is in favour of the working classes. Far be it from me to insinuate that employers were all, or generally, opposed to the more favourable conditions demanded. There are employers *and* employers. It is the less scrupulous that have to be legislated for; the others have not uniformly withheld their help.

9. *Repeal of Laws Adverse to Labour.*—It might not be known to Mr. Chamberlain, or he may ignore it, that the repeal of bad laws is nearly equal in importance to the passing of good laws, or laws that partake of this character. The best legislation of the nineteenth century consisted mostly of repeals more or less complete. Wherever

failure arose it was because of the incompleteness of the repeals, or saving clauses in substituted Acts.

(a) The Master and Servant Acts were not initiated by labour leaders. Neither they nor workmen promoted or supported such Acts. They were the ingenious devices of sapient statesmen in the reigns of "the Four Georges," of glorious memory (!), engrafted upon statutes passed in earlier reigns, none of which were favourable to the working classes. Labour leaders in the sixties were advised to be content with an amendment of those Acts, such amendment being carried in 1867. In the seventies there arose a demand for the total repeal of all existing Master and Servant Acts, and in 1875 their demands were acceded to. The agitation therefor was initiated by working-class leaders, those in Glasgow and London voicing the demand. The entire merit of initiation belongs to labour representatives; their friends in Parliament merely expressed their wishes, and gave form to measures designed to accomplish what they had desired and advocated during long and weary years, while statesmen looked on with indifference.

(b) The repeal of the Combination Laws was the result of the daring action of labour leaders, backed by men who had the pluck to combine. Joseph Hume and others wisely interpreted the wishes of the working classes and carried through the requisite legislation. It was the same with other class-made laws; their repeal was mainly, if not wholly, due to the action of the labour leaders of the day and generation when the repeals were effected. Whatever failures arose in connection with such repeals were due to the half-heartedness of those responsible for the measures—to the Government of the day, whose object it was to whittle down the provisions in such Bills to, if possible, a vanishing-point, or to the members of the House of Commons representing the employing classes.

10. *General Measures Initiated by Labour Leaders.*—But I must appeal from Mr. Chamberlain to a higher court, to the public—that is, to such as take an interest

in questions like those under review. I have not answered Mr. Chamberlain according to his folly. Facts are adduced which tell their own tale. I have no wish to claim for labour leaders more than their due. They are not all-wise, any more than the member for West Birmingham. Their task has been a difficult one. They have had to lead where their followers thought the way dubious, and at every turn opposing factions faced them to obstruct, deride, misrepresent, and where possible to scatter the seeds of discord and cause disunion. Thus the leaders were hampered, sometimes by distrust, always by opposition. The latter was on occasion so cleverly devised that it created doubt even in the minds of those for whose benefit the action or initiative was taken. The wonder is, not that the labour leaders have not done more, but that they have been able to accomplish so much.

11. *Notable Exceptions*.—In the following extended list some exception may be taken to a few items. The initiative did not in all cases come from labour leaders, but in most cases they promoted, advocated, and supported when they did not originate the movement. For example, Mr. Plimsoll originated most of the legislation in favour of "Our Seamen" during the last thirty years; but he, above all men, knew how much he owed to labour leaders and to the help, pecuniary and otherwise, given by the working classes. Sir John Lubbock originated Bank Holidays, giving to those in banking houses a legal right to Boxing Day, Easter Monday, and Whit Monday. The 1st of August he created as a holiday, now generally observed in most industries. He also voiced the shop assistants in some of their demands, and successfully. A few other instances might be adduced of initiation by others than labour leaders, but the main contention holds good.

12. *Legislation since Institution of Trades Congress, 1868*.—The period chosen in the list that follows will be obvious. Before the assembly of Trades Union Congresses in 1868 there was no regularly constituted body to promote or initiate legislation. Previous to that special conferences or congresses were called in particular

cases, as, for example, in the matter of the Master and Servant Act in 1864, which conference lasted four days. From 1868 the Trades Union Congresses have been continuous and annual except in 1870, when it was postponed until early in 1871. In the series of congresses—1868 to 1901 inclusive—every measure of importance affecting workmen has been considered, and the Parliamentary Committee initiated, promoted, advocated, and supported the Bills introduced. I do not know an instance in which legislation favourable to the working classes has been really hindered by responsible labour leaders.

## LIST OF MEASURES.

Year.	Statute and Reign.	Subject Matter of the Several Enactments.
1868	31 & 32 Vict., c. 116	The Recorder's Act—Larceny and Embezzlement—gave power to punish defaulting officers of trade unions as co-partners therein.
1869	32 & 33 Vict., c. 61	Trade Unions—Protection of Funds (Temporary).
1870	33 & 34 Vict., c. 30	Attachment of Wages (England and Ireland).
1870	33 & 34 Vict., c. 62	Factory and Workshops Extension Act.
1870	33 & 34 Vict., c. 63	Arrestment of Wages (Scotland).
1871	34 & 35 Vict., c. 31	The Trade Union Act (see also 1876).
1872	35 & 36 Vict., c. 46	The Arbitration Act—labour disputes.
1872	35 & 36 Vict., c. 76	The Mines Regulation Act (Coal).
1872	35 & 36 Vict., c. 77	The Metalliferous Mines Act.
1873	36 & 37 Vict., c. 67	Agricultural Children Act.
1873	36 & 37 Vict., c. 85	Merchant Shipping Act.
1874	37 & 38 Vict., c. 43	The Alkali Works Act.
1874	37 & 38 Vict., c. 44	Factories (Health of Women) Act.
1874	37 & 38 Vict., c. 48	Hosiery Manufacture (Payment of Wages) Act.
1875	38 & 39 Vict., c. 60	Friendly Societies Act—consolidation.
1875	38 & 39 Vict., c. 86	Conspiracy and Protection of Property Act.
1875	38 & 39 Vict., c. 90	<u>Employers and Workmen Act.</u>
1875	38 & 39 Vict., c. 88	Unseaworthy Ships—Load-line Act.
1876	39 & 40 Vict., c. 22	<u>Trade Union Act, 1871, Amendment Act.</u>
1876	39 & 40 Vict., c. 80	The Merchant Shipping Act.
1877	40 & 41 Vict., c. 43	The Justices' Clerks Act.
1877	40 & 41 Vict., c. 60	The Canal Boats Act (George Smith).
1878	41 & 42 Vict., c. 16	Factory and Workshops Consolidation Act—very important amendments incorporated.
1878	41 & 42 Vict., c. 49	Weights and Measures—Consolidation Act—checkweighing (coal mines) clauses incorporated.

Year.	Statute and Reign.	Subject Matter of the Several Enactments.
1879	42 & 43 Vict., c. 49	Summary Jurisdiction Act—mainly due to action of Trades Union Congress, and P. C.
1880	43 & 44 Vict., c. 16	Merchant Shipping (Payment of Wages Act).
1880	43 & 44 Vict., c. 18	Merchant Shipping (Grain Cargoes) Act.
1880	43 & 44 Vict., c. 42	The Employers' Liability Act.
1881	44 & 45 Vict., c. 22	Bankruptcy (Scotland) Small Debts Act.
1881	44 & 45 Vict., c. 24	Summary Jurisdiction (Scotland) Process Act.
1881	44 & 45 Vict., c. 33	Summary Jurisdiction (Scotland) Act.
1881	44 & 45 Vict., c. 37	Alkali Works Regulation Act.
1882	45 & 46 Vict., c. 3	The Metalliferous Mines Amendment Act.
1882	45 & 46 Vict., c. 22	Boiler Explosions Act—witnesses, &c.
1882	45 & 46 Vict., c. 24	Summary Jurisdiction (Ireland) Act.
1883	46 & 47 Vict., c. 28	The Companies Act—amendment.
1883	46 & 47 Vict., c. 52	Bankruptcy (England) Act—small debts, &c.
1883	46 & 47 Vict., c. 53	Factory Acts Extension—bakehouses, white-lead works, &c.
1883	46 & 47 Vict., c. 57	The Patents Act—four years' protection ; £4 fees, &c.
1884	<i>Order in Council.</i>	Employers and Workmen Act, 1875—amended rules, &c.
1884	47 & 48 Vict., c. 31	Payment of wages in public-house prohibited.
1884	47 & 48 Vict., c. 34	Extension of hours of polling to eight o'clock.
1884	47 & 48 Vict., c. 75	Canal Boats Amendment Act.
1884-5	48 & 49 Vict., c. 3	Extension of the Franchise Act } Reform Redistribution of Seats Act } Acts.
1884-5	48 & 49 Vict., c. 23	
1884-5	48 & 49 Vict., c. 63	Patents, designs, and trade marks.
1886	49 & 50 Vict., c. 28	Bankruptcy (Agricultural Wages) Act.
1886	49 & 50 Vict., c. 40	Coal Mines Act, Amendment Act.
1886	49 & 50 Vict., c. 55	Limitation of hours of labour in shops (W. S. C.).
1887	50 & 51 Vict., c. 19	Fencing of Quarries Act.
1887	50 & 51 Vict., c. 28	Fraudulent Marks Act.
1887	50 & 51 Vict., c. 43	The Stannaries Act—mines in Cornwall, &c.
1887	50 & 51 Vict., c. 46	The Truck Acts Amendment Act.
1887	50 & 51 Vict., c. 50	The Coal Mines Consolidation Act.
1888	51 & 52 Vict., c. 15	Friendly Societies—savings banks (N. D. C., &c.).
1888	51 & 52 Vict., c. 21	Law of Distress Amendment Act.
1888	51 & 52 Vict., c. 22	Factory and Workshops Amendment Act.
1888	51 & 52 Vict., c. 24	Merchant Shipping—saving life at sea.
1888	51 & 52 Vict., c. 58	Employers' Liability, 1880, Continuance Act.
1888	51 & 52 Vict., c. 62	Bankruptcy Act—law of distress.
1888	51 & 52 Vict., c. 66	Friendly Societies—exemption from § 30 in certain cases.



Year.	Statute and Reign.	Subject Matter of the Several Enactments.
1889	52 & 53 Vict., c. 9	Libraries Acts Amendment—joint parishes.
1889	52 & 53 Vict., c. 22	Friendly Societies—exemption in certain cases (§ 30).
1889	52 & 53 Vict., c. 24	Master and Servant—Repeal of Acts (Howell).
1889	52 & 53 Vict., c. 29	Merchant Shipping—Passenger Acts Amendment.
1889	52 & 53 Vict., c. 43	Merchant Shipping—tonnage.
1889	52 & 53 Vict., c. 46	Merchant Shipping—advance notes.
1889	52 & 53 Vict., c. 62	Factories—cotton cloth, steaming processes, &c.
1889	52 & 53 Vict., c. 68	Merchant Shipping—pilotage.
1889	52 & 53 Vict., c. 76	Technical instruction—power to local authority.
1890	53 & 54 Vict., c. 9	Merchant Shipping—load-line (Howell).
1890	53 & 54 Vict., c. 15	Open Spaces Act—health and recreation.
1890	53 & 54 Vict., c. 16	Working Classes Dwellings Act.
1890	53 & 54 Vict., c. 18	Workmen's superannuation—War Department.
1890	53 & 54 Vict., c. 35	Boiler Explosions Act, Amendment Act.
1890	53 & 54 Vict., c. 43	Education—deaf, mute, and blind children (S.).
1890	53 & 54 Vict., c. 45	Police—pensions and allowances: widows and children.
1890	53 & 54 Vict., c. 59	Public Health Acts, Amendment Act.
1890	53 & 54 Vict., c. 68	Libraries Acts, Amendment Act.
1890	53 & 54 Vict., c. 70	Artisans' and Labourers' Dwellings Acts—consolidation and amendment (Housing Working Classes).
1891	54 & 55 Vict., c. 47	Metalliferous Mines Acts, Amendment Act.
1891	54 & 55 Vict., c. 75	Factory and Workshops Acts Amendment Act.
1892	55 & 56 Vict., c. 30	Alkali Works Acts, Amendment Act.
1892	55 & 56 Vict., c. 37	Merchant Shipping Acts—load-line and provisions (Howell).
1892	55 & 56 Vict., c. 62	Shop Hours Regulation Act (Sir J. Lubbock).
1893	56 & 57 Vict., c. 2	Exemption of provident funds of trade unions from Income Tax (Howell).
1893	56 & 57 Vict., c. 29	Hours of labour of railway servants.
1893	56 & 57 Vict., c. 30	Friendly Societies—arbitration (Howell).
1893	56 & 57 Vict., c. 39	Industrial and Provident Societies Acts—consolidation and amendment (Howell).
1893	56 & 57 Vict., c. 67	Shop Hours Amendment Act—expenses.
1894	57 & 58 Vict., c. 8	Industrial and Provident Societies Act (Howell).
1894	57 & 58 Vict., c. 25	Outdoor relief to members of friendly societies (Strachey).
1894	57 & 58 Vict., c. 28	Notices of inquiries into accidents, &c.
1894	57 & 58 Vict., c. 42	Quarries—prevention of accidents.
1894	57 & 58 Vict., c. 52	Coal Mines Act—interference with check-weigher.
1894	57 & 58 Vict., c. 60	Merchant Shipping Acts—consolidation.

Year.	Statute and Reign.	Subject Matter of the Several Enactments.
1895	58 & 59 Vict., c. 5	Shop Hours Amendment Act (Lubbock).
1895	58 & 59 Vict., c. 26	Friendly Societies Act Amendment.
1895	58 & 59 Vict., c. 30	Industrial and Provident Societies Act Amendment (Howell).
1895	58 & 59 Vict., c. 36	Fatal Accidents—inquiry into (Scotland).
1895	58 & 59 Vict., c. 37	Factory and Workshops Amendment Act.
1896	59 & 60 Vict., c. 25	Friendly Societies Consolidation Act.
1896	59 & 60 Vict., c. 26	Ditto Amending Act—collective societies.
1896	59 & 60 Vict., c. 30	Conciliation Act—labour disputes.
1896	59 & 60 Vict., c. 43	Coal Mines Regulation Amendment Act.
1896	59 & 60 Vict., c. 44	<u>The Truck Acts, Amendment Act.</u>
1897	60 & 61 Vict., c. 37	Compensation for Injuries Act.
1897	60 & 61 Vict., c. 52	Dangerous performances by young persons, &c.
1897	60 & 61 Vict., c. 58	Cotton Cloth Factories Act, Amendment Act.
1897	60 & 61 Vict., c. 59	Merchant Shipping Act, Amendment Act.
1898	61 & 62 Vict., c. 14	Merchant Shipping Act, 1894, Amendment Act.
1898	61 & 62 Vict., c. 15	Friendly Societies, &c., enabled to borrow money.
1898	61 & 62 Vict., c. 53	Libraries Act—protection of books (Co-operative Union).
1899	62 & 63 Vict., c. 13	Employment and education of young children (Mr. Robson).
1899	62 & 63 Vict., c. 21	Seats for shop assistants (Sir J. Lubbock).
1900	63 & 64 Vict., c. 21	Prohibition of child labour in mines.
1900	63 & 64 Vict., c. 22	Compensation Act—extension to agriculture.
1900	63 & 64 Vict., c. 27	Prevention of accidents on railways.
1900	63 & 64 Vict., c. 53	Elementary Education—various.
1900	63 & 64 Vict., c. 59	Housing the Working Classes Act, Part III.
1901	1 Edw. VII., c. 9	Education (Children) (Scotland).
1901	1 Edw. VII., c. 19	Public Libraries—general.
1901	1 Edw. VII., c. 22	Factory Acts—consolidation and amendment.

13. *Possible Criticisms Anticipated.*—The foregoing list contains over six score Acts of Parliament—a goodly list in thirty-three years. Some exception may be taken in certain cases to the inclusion of particular Acts; but I aver that the influence of labour leaders is seen where there is no index to direct initiative—for example, the Bankruptcy Acts. I claim that the preferential claim to wages given in those Acts was due to labour leaders. If other exceptions be taken I maintain that labour leaders may well lay claim to influence, direct and specific, in other

Acts, as, for example, in all that pertains to local government—County, District, and Parish Councils, Allotments, Adulteration, Weights and Measures, and other Acts. The actual initiative might be hard to discover in some instances, but the hand of the labour leader can be distinguished.

14. *Popular Education and Conclusion.*—Mr. Joseph Chamberlain did much for elementary education in connection with the National Education League. But that League called to its councils all the best known labour leaders of that period, and to these was due much of the fervour of the movement. We were all pressed into the movement. Outside of Birmingham itself and the surrounding districts few men did more, individually, than Robert Applegarth and I to arouse the working classes on the subject. But, long prior to this, the Working Men's Association and Chartists were the real popular advocates of popular education. They kept the matter alive. Ellis, Brougham, Knight, Kay, and others were among the initiators of the movement; but the Chartists were the chief missionaries. Let it not be supposed that we do not render unto Cæsar the things that are Cæsar's, but we after all claim that the chosen leaders of the masses voiced the desires of their constituents, gave form to their aspirations, and often indicated to reluctant statesmen the measures of relief required in specific cases. I submit my reply to the candid judgment of the public.

## CHAPTER XLII

### PRESENT POSITION, PROSPECTS, AND ASPIRATIONS OF LABOUR

THE terms "capital" and "labour" are usually employed to denote employers and employed, respectively, in the mass. In this sense are the terms used in this work. They have, however, a wider meaning. "Labour" might well include the busy shopkeeper, who works early and late in his shop; the clerk who earns a salary and disdains to call it wages; the publican who serves in his "bar" from 5 or 6 a.m. till midnight or later; even the lawyer or doctor whose payment is by fees. The gradients are often very fine, both as regards capital and labour. "Employer" may mean a person who works himself and employs a man or two, a firm employing thousands, or a great company employing tens of thousands. The terms as here used mean generally "employer and workman," as defined in the Employers and Workmen Act, 1875; but in this work shop assistants and others, even domestic servants, are not necessarily excluded. The hirer and the hired come within the scope of the work as a rule; but where a more restricted class is meant, the context indicates the extent of inclusion or exclusion.

1. *Material Prosperity*.—Recently some writers and speakers have taken rather a gloomy view of the situation. But, looked at as a whole, the close of the nineteenth and the dawn of the twentieth century present an aspect of general prosperity unequalled in the annals of labour.

From 1870 to 1874 "trade advanced by leaps and bounds," and wages went up to a higher level than had ever been attained before, especially with miners and ironworkers, and in certain other more or less favoured industries. Latterly, however, the advance has been all along the line. All trades and industries have shared in the prosperity to a greater or lesser degree. The hours of labour also have been reduced of late years, so that the normal and average working day is shorter than it ever was before. Generally, also, the conditions of employment are better in most industries—in some by legislation, in others by trade union action and mutual arrangement. A partial decline in wages in some industries during the year 1901 does not affect the above statement to any serious extent. At its close work was still fairly plentiful in most trades, though a decline was apparent in a few instances. The position, therefore, was comparatively good, and the outlook at present, though less bright than it was, is by no means discouraging.

2. *Public Health, Sanitation, &c.*—The subjects of sanitation and housing the working classes, open spaces, &c., do not come within the scope of the present work, and therefore the measures dealing with those matters have not been dealt with or have only been referred to incidentally. To understand the real position up to the middle of the nineteenth century it is necessary to go back to the Parliamentary Reports of 1842-44; then, after perusal, to compare that period and its conditions with those of to-day. With the exception of a couple of temporary Acts during the cholera visitation in the thirties, there was not even a Sewers' Act in existence until 1848; indeed, very little general legislation in this connection had taken place prior to the Public Health Act, 1875. We owe all, or nearly all, the progress made for the promotion of healthful conditions to the legislation of the last fifty years. The working classes are but sharers in that progress, but as part of the general public they enjoy a portion of its multifarious advantages. Unsanitary dwellings still exist,

but they are now the exception—fifty years ago they were the rule. If local authorities did their duty, they would practically be non-existent, for the general law is all-sufficient for the purpose of securing comparative freedom from loathsome surroundings dangerous to the health of the residents and incidentally to that of the community.

3. *Workmen's Dwellings*.—As regards workmen's dwellings, the first step was taken in 1851, and was due to the Earl of Shaftesbury. The object of the initial measure was to improve the condition of common lodging-houses, thus starting, as it were, at the base. Since that date numerous Acts have been passed, with extended jurisdiction, the object being to provide better dwellings for all sections of the working people. Much has been done in this respect. The demand for further measures tends to show that the industrial masses appreciate the changes effected by legislation, and also by private enterprise, as an outcome of that legislation. Fifty years ago there was no such demand. Indeed, the complaint generally was that of compulsory removal, as in the case of the Fleet Valley, Cow Cross and the neighbourhood, Somers Town, and various other then well-known, uncongenial, and even undesirable localities. The efforts to secure public parks and open spaces for the people began about the same time, the present generation scarcely knowing that all our public parks and open spaces, except the Royal parks, have been secured since 1850. Thus health and recreation have gone hand in hand, as it were ; it is no longer solely a matter of interest and effort on the part of the masses, for the entire community are alive to the necessity for and the advantages of healthful surroundings, and are prepared, generally, to be taxed to secure them.

4. *Cheap Transit—Rail and Tram*.—Workmen's tickets, at cheap return fares, constitute a great boon to workpeople of all sections who are able to avail themselves of them. The conveniences are not perfect, and there are some restrictions as to the time when the return tickets

are available. The fares also in some cases may be higher than need be. But, in spite of all complaints and drawbacks, the advantages of an early and cheap service are undeniable. In London especially the boon is great. I have known workmen to walk from six to eight miles to their work before six o'clock in the morning, and walk back after the day's work was finished at 5.30 p.m. With such long distances men were tired ere they commenced work, and longed for the breakfast half-hour, from 8 to 8.30 a.m. That the concessions are appreciated is seen in the crowded trains in the early mornings. Forty years ago this was but a dim dream, unrealised, and scarcely regarded as possible of realisation by the then working population. Now the question of providing trains or trams is no longer in dispute; the only points at issue are the extent of the accommodation, the hours at which they shall run, the limitations as to return, and the rates at which the tickets shall be issued. In this respect alone workmen of the present day enjoy privileges which those of the past generation had no hopes of obtaining.

5. *Wages and Hours of Labour*.—Wages have advanced all along the line. In no industry at the present day are the wages so low as they were in the fifties and sixties, to say nothing of earlier decades. But not only are wages higher, the purchasing power of the realised earnings is far greater than it was in the decades mentioned. In some cases the price of commodities has advanced in recent years, but taken as a whole the actual necessities of life are cheaper, and in numerous cases better, than they were. Adulteration is no longer resorted to in the shameless way and to the same extent as it was when Frederick Accum published his book, "Death in the Pot." The Adulteration Acts are far-reaching, and the penalties in cases of violation of their provisions are severe; but the local authority has the administration of the Acts, and in some instances they have been lax in the enforcement of their provisions. Short weight is also dealt with in the Weights and Measures Acts, all of which provide for full

weight and measure according to the standards. In all respects as regards wages and values there has been a great advance, the masses reaping a share more or less full of the advantages. Were they alive to their own interests, and in earnest, they would reap a richer harvest, for the power is to a large extent in their own hands.

6. *Legal Position of Trade Unions.*—The recent decisions in the House of Lords in the Taff Vale case and in the Belfast Butchers' case have created considerable alarm in trade union circles, and not a little indignation. Roughly speaking the decisions amount to this—that the union can be sued for damages by an employer in case of a dispute. Mr. Frederic Harrison regards the decisions as a serious blow to trade unionism—so serious, indeed, that the very existence of trade unions is threatened. Mr. H. Broadhurst, M.P., in a speech delivered at Nuneaton on August 17, 1901, declared “that good trade unionism and labour combinations occupied worse positions than they did thirty years ago.” Most of the labour leaders seem to take up the same position, though in one or two instances a more hopeful view has been expressed. In the August number (1901) of *The London Trades and Labour Gazette* Mr. J. Macdonald, secretary of the London Trades Council, says: “Ever since the introduction of what is erroneously termed the ‘New Unionism,’ a section of the employing class, backed by a number of persons proclaiming themselves as the upholders of the rights of property, have been searching high and low for a weak point in the armour of the trade union movement.”

7. He goes on to say that “the right to picket has been attacked, and, thanks to judge-made law, nearly abolished. The publication of circulars and placards warning members and the public as to the conditions of employment obtaining in certain firms has been held to be an infringement of the law.” “The Lords’ decision in the Taff Vale case has affirmed that a union is a legal entity, and can be sued as a corporate body.” He goes on to discuss the practical effect of the decision above and



beyond what actual damages could be assessed. He continues: "This is the end for which employers and their friends have so assiduously worked. A pity that the indiscreet action of some responsible officials of the A.S.R.S. should have afforded them the long-sought-for opportunity." This last sentence is significant, for it practically admits that "indiscreet action" led to the injunction which was granted by Mr. Justice Farwell, quashed by the Court of Appeal, but upheld by House of Lords. I do not altogether share the despondency of those who think that a fatal blow has been struck at the unions, serious as the blow is. But Mr. Macdonald is right in his view that the action recently taken is a result of the New Unionism. It is, in fact, retaliation by the employers—a significant protest against the intensely militant spirit of modern trade unionism.

8. *Under the Old and the New Law—a Comparison.*—In order to comprehend the whole situation it is essential to review it, to compare the new with the old. When the Act of 1824 was passed the doctrine of the Common Law of Conspiracy was repealed as regards labour combinations. In the substituted Act of 1825 that provision was omitted, consequently the later Act was less favourable than the previous one. If the Act of 1824 had stood as passed, the position of labour in association or combination would have been far better, and many of the subsequent prosecutions would have been averted. But both Acts contemplated freedom to combine or not to combine and held to the inviolability of a contract, a breach of which, by workpeople or servants, being always regarded as a criminal offence under the Combination Act of 1824 and 1825, and by the Master and Servant Acts, including that of 1867. It was not until 1875, under the Employers and Workmen Act, that a breach of labour contracts was wholly treated as a civil offence. The law now is, under the recent decisions, that the union as (in some sense) a corporate body is responsible for civil damages, and not merely the person or persons guilty of the offence. The seriousness of those decisions is acknowledged on all

hands, though some may have exaggerated views as to its magnitude.

9. *Legal Aspects of Picketing*.—The other point in question is the right or wrong of picketing. Molestation, coercion, intimidation, and the like, were indictable offences, punishable by imprisonment, under 5 Geo. IV., c. 95 (1824), and under 6 Geo. IV., c. 129 (1825). But *compulsion* or *force* had to be proven if the strict letter of the law were followed. "Watching and besetting," which mean picketing, do not appear in the provisions of either Act. Section III. in the Act of 1825 makes it clear that some form of compulsion or force must be used by the offending person to render him liable to prosecution, in connection with a labour dispute, to prevent some other person from working, or to induce him to leave off working. The right of mere persuasion is implied, for it is not mentioned or indicated. But on this point an Act was passed in 1859—the 22 Vict., c. 34, which expressly permitted "endeavouring peaceably," &c., to persuade others, as lawful. In order to make it clear, I quote the whole section :—

§ 1. "That no workman or other person, whether actually in employment or not, shall, by reason merely of his entering into an agreement with any workman or workmen, or other person or persons, for the purpose of fixing or endeavouring to fix the rate of wages or remuneration at which they or any of them shall work, or by reason merely of his endeavouring peaceably and in a reasonable manner, and without threat or intimidation, direct or indirect, to persuade others to cease or abstain from work in order to obtain the rate of wages or the altered hours of labour so fixed or agreed upon, shall be deemed or taken to be guilty of 'molestation' or 'obstruction' within the meaning of the said Act (6 Geo. IV., c. 129), and shall not therefore be subject or liable to any prosecution or indictment for conspiracy : Provided always that nothing herein contained shall authorise any attempt to induce any workman to break or depart from any contract."

Unfortunately that Act was repealed, in 1871, by 33 & 34 Vict., c. 32, no corresponding right to exercise legitimate influence upon others being accorded by the Criminal Law Amendment Act, which was substituted for the Acts repealed.

10. *The Blackburn Case*.—In this connection the decision in the Blackburn case, on Wednesday, September 25, 1901, is significant. The vice-chancellor of the County Palatine said: "There appeared to be a reasonable suspicion that certain things which were not strictly in accordance with the law were being done—he would not go further than this—and therefore he thought there was sufficient ground to justify an injunction." Which he accordingly granted. What were the grounds? No intimidation, coercion, or any overt act was alleged. What was the illegal conduct to justify an injunction? Is "reasonable suspicion" as to intention to be taken as a ground for action? If so, who can be regarded as safe? It rests with the complainant to decide.

11. *Intention of Act of 1859*.—The Act quoted, of 1859, was to amend the law as it then stood, and was passed because "different decisions have been given on the construction of the said Act"—6 Geo. IV., c. 129. The design, therefore, was to prevent "endeavouring peaceably, and in a reasonable manner, to persuade," &c., from being construed as an offence, punishable by law, under the said Act. Nevertheless, subsequent decisions by the Courts went far beyond the provisions in the statute quoted, as, for example, in the Hammer-smith case, the gas stokers' case, and others. When the Labour Laws were considered in 1875, all such decisions were practically condemned, and it was thought that the new law had covered those quoted and similar cases. As a matter of fact it had been so regarded generally, and prosecutions only succeeded in cases where some overt act of unlawful coercion had been considered proven. The recent decisions have not made the alleged offenders liable to prosecution, but have held the union responsible for damages arising from the action of members of a union, where the union, as a body, has been deemed to sanction the acts complained of. The process is a civil one, by "action at law," whereas formerly criminal procedure was resorted to, the object being to reach and punish the individual

offender; the union, as such, not being held legally responsible.

12. *Positive Legal Effect of Recent Decisions.*—As this is not meant to be a treatise upon law, nor a text-book upon some particular branch of it, I do not feel called upon to enter at any length upon the technicalities involved in recent cases, which have caused so much stir in the trade union world and in labour circles generally. It is, indeed, unnecessary, for already a number of publications have appeared in which the legal aspects have been set forth and discussed.<sup>1</sup> I cannot do better here than summarise “the results, in brief,” as set forth in some of the authorities quoted, without committing myself to the different views expressed. (1) In “The Law Relating to Labour Unions,” coercion and intimidation is thus treated :—

“Allen *v.* Flood and Quinn *v.* Leathem, taken together, decide that with unlawful and malicious intent—(a) to bring about a strike or lock-out, or (b) to induce customers to discontinue dealing with a tradesman, or (c) to threaten to do so, is illegal; and those injured by such proceedings can recover damages against the persons responsible, and equally so whether there is a conspiracy or not. It is also illegal to circulate ‘black lists’ of employers not to be worked for or dealt with, or of workmen not to be employed.”

13. (2) Picketing, or “such watching and besetting as constitutes what is known as ‘peaceful picketing,’ is decided by Lyons *v.* Wilkins to be unlawful, unless it is done (in the words of the Act) in order merely to obtain or communicate information.” (3) “Labour Union Liability—Taff Vale Railway Company *v.* Amalgamated Society of Railway Servants decides that

<sup>1</sup> “The Law Relating to Labour Unions,” Employers’ Parliamentary Council; also “The Law and Trade Unions,” by Richard Bell, M.P.; the *Positivist Review*, September, 1901, by Frederic Harrison; and numerous articles in newspapers and reviews. But see “Trade Union Law and Cases,” Cohen and Howell (Sweet and Maxwell, Ltd.), 1901.

a labour union, although it is not a corporation, can sue and be sued in respect of wrongs committed by or against it." All the above decisions, except *Lyons v. Wilkins*, were by the House of Lords, and are therefore final and binding throughout the United Kingdom, to all intents and purposes law, until changed by legislation.

14. *Trade Union View*.—The monthly report of the Amalgamated Society of Carpenters and Joiners thus summarises the situation, October, 1901 :—

"The points of law already settled, and which must be borne in mind, are : (1) That to resolve not to use material coming from any particular firm because of a refusal on their part to cease supplying another whose hands are on strike, is an actionable offence—case, *Temperton v. Russell*. (2) That for pickets to endeavour to persuade men not to work for an employer whose men are on strike, however peaceably it may be done, is an actionable offence—case, *Lyons v. Wilkins*. (3) That to publish black lists of workmen or employers is contrary to law—case, *Trollope v. Building Trades' Federation*. (4) That to call out members of a union or to threaten to do so unless the employer discharges non-union men, irrespective as to whether agreements have been entered into or otherwise, is illegal—case, *Quinn v. Leatham*.

Very earnest entreaties to members follow the above statement of the case not to act in contravention of the legal decisions enumerated.

15. *Mr. Harrison's View*.—Mr. Frederic Harrison, in the *Positivist Review*, says : "Two decisions of the House of Lords in the last few weeks have deeply affected the legal position of trade unions of our country. It is not too much to say that these judgments have practically made new law : law which must prevent trade unions from doing many things that, for five-and-twenty years, they have believed they had a right to do ; and which exposes the whole of their funds to legal liabilities from which till now they have been thought to be exempt." He goes on to point out that the decisions in effect are "practically the same as an Act of Parliament"—not to be disputed.

Mr. Harrison summarises the position thus : " Now put these two decisions together. They come to this : 1. When a trade union seeks to drive any one to its terms by inducing others not to deal, though it may not do anything forbidden by the Act of 1875, it may be civilly liable in damages (*Quinn v. Leathem*). 2. A trade union may be made corporately responsible for the acts of its officers, may be sued by name, and its funds may be taken to satisfy all legal claims (*Taff Vale v. Amalgamated Society of Railway Servants*). "

16. *A Modified View*.—The foregoing represent more or less accurately the general view of lawyers and intelligent trade unionists as regards the effect of the several decisions enumerated, as set forth in the reports of the various unions, of the Parliamentary Committee of the Trades Union Congress, and in speeches of labour leaders and others. Mr. Herman Cohen (joint author with myself of " Trade Union Law and Cases," and responsible for the legal portions of the work) is not quite so emphatic as to the disastrous effects of the *Taff Vale* decision. He points out that, in essence, previous decisions had been given to the same effect, and yet that the unions survived. He says : " It may be pointed out that, by this decision, unions have not lost any rights which they previously possessed. They are in the same position as other employers. If the illegal acts committed by agents or servants are within the scope of their authority, the employers are liable, but not otherwise." He thinks that some unlawful or overt act must be committed to warrant the application of the law as laid down in the decisions.

17. *Good Law or Bad Law*.—Mr. Frederic Harrison seems to deprecate discussion as to the abstract right or wrong of decisions rendering a trade union liable in damages, by being sued, as a body, for the acts of individual members. Most lawyers appear to agree with him. He and they are entitled to every respect, his opinions especially, considering the part he has

played in labour movements for forty years. But I am a layman, and, I fear, do not hold in absolute veneration a decision of a court of law, even the highest, as a lawyer would do. Judges are but men, frail men sometimes, and they even differ. The Court of Appeal reversed the judgment of Mr. Justice Farwell; then the case was taken to the House of Lords, where the decision of the Court of Appeal was reversed, and the judgment of Mr. Justice Farwell was upheld. The divergence between the Court of Appeal and the House of Lords is significant. The decisions were absolutely at variance. Both cannot be right. One Court said that a trade union could not, as such, be sued; the other said it could; authority goes with the latter. So far it is now the law; that cannot be gainsaid. But the grounds of the decision may still be called in question, and I question it, on the facts of the case, and also upon historical grounds, as regards the intention of the Legislature when the Trade Union Act was passed.

18. *The Decisions Challenged.*—One of the grounds of the decision in the Taff Vale case was that, inasmuch as the Act of 1871 did not expressly declare that a trade union could not be sued for damages resulting from the individual acts of its members, therefore, not being prohibited, the union might be sued. This is poor logic. A truer and more natural deduction would be—not being expressly declared to be suable, therefore it was not intended that a union should be sued. If the Legislature intended that the right to sue and be sued should be exercised, it could and would have provided therefor in the Act. It did not, and those who know most about the history of that legislation emphatically declare that the power was intentionally withheld. It is a dangerous power in the hands of any few men to be able to read into an Act of Parliament what is not there expressed, however distinguished and honourable those men may be. To say that provision ought to be made to meet such cases as those before the courts is another question; that

deserves consideration ; but it should be made by Parliament, not by judges, whose duty it is to administer the law as it stands. A trade union now is a body liable to be sued, yet in the judgment of Mr. Justice Farwell it is not a corporate body.

19. *Suggested Schemes for Averting the Consequences.*—The decisions adverted to being now practically law, suggestions are made as to how best to minimise their effects, or avert the possible and probable consequences.

(1) The standing counsel of the Parliamentary Committee has suggested the separation of the provident from the trade funds as one remedy. The proposal is an old one. We fought it in the sixties and early seventies. The trade unions would not hear of it. One union alone adopted the suggestion and came to grief. Then it was a powerful body ; its rival, a younger and weaker body, repudiated it, and has in consequence flourished, while the other body decayed, and is now seldom heard of in the trade union world. The proposal, if adopted, would spell ruin to such bodies as the engineers, the carpenters and joiners, the boilermakers and iron shipbuilders, the steam-engine makers, the ironfounders, and similar societies. Such unions must maintain their present organisation as mixed bodies with trade and provident benefits combined. They are now powerful—strong in numbers, influential in the world of labour, splendidly equipped as regards funds, and a steady force in all that pertains to social and economical questions.

20. (2) *Avoidance of Consequences by Change in the Rules.*—Others suggested changes in the rules of the unions, so as to escape responsibility. This is a doubtful policy. Any attempt to shirk legal responsibility by throwing it upon the individual members would fail, and in my humble judgment ought to fail. If the act, or acts, declared to be illegal are persisted in the union must be held responsible. If they are regarded as legitimate and defensible the unions must go to Parliament for redress. The legislature listened to their voice in the past, when there was less sympathy with trade unions than there is



now, and measures of relief were passed. Parliament would not turn a deaf ear now if the demands were but reasonable. Evasion of responsibility is not commendable, nor do I think that effective evasion is possible were it desirable.

21. (3) *Transfer of Responsibility*.—The *London Trades and Labour Gazette*, the organ of the London Trades Council (October, 1901), in an article headed "How to Circumvent the Lords' Decision," says: (a) "We therefore suggest that it is the duty of trades councils in every district to form voluntary corps for picketing purposes." It adds: "There is nothing in the law to prevent members on strike joining such corps." The trades councils, it is suggested, should pay the pickets; "the question of agency therefore cannot arise." "Trades councils have no accumulated funds, and therefore it would not be worth while to attack them." (b) "Trade unions must keep their funds strictly locked up, to be used by none but themselves." (c) "Trade councils should undertake to publish 'white lists' instead of 'black lists,' and thus defeat the intentions of employers." Those methods are suggested because "the trades councils of the country carry on the militant side of the movement. They have nothing to lose, but trade unions have vast resources to conserve, and what meagre privileges they possess they have got to retain."

22. *Evasion of Law Bad in Principle*.—This is very dangerous advice, especially when given by a responsible official who belongs to that section of the labour party which demands more law. Too many of the British workmen have already a scant regard for law; it is not desirable to increase the number. Above all, it is not wise to encourage a disrespect for the law and to invent methods whereby it can be broken or evaded with impunity. Even if the methods could succeed to any extent, which is very doubtful, the policy is bad. What workmen need is good law where law is required, and then that the law should be honourably obeyed. What is most wanted is a deep regard for justice and equity,

respect for individual rights and liberty ; on these bases better legislation can be demanded.

23. *Order and Progress.*—Mr. Frederic Harrison has long been teaching that “order is the law of progress.” Pope years ago declared that “order is Heaven’s first law.” Trade unions have been more or less inculcating the lesson for at least a generation. The discipline taught by the unions has done much in the propagation of the doctrine and in imposing its authority. Employers have slowly recognised their influence as well as their power when its exertion was thought to be needed. Employers must not be allowed to go back upon the past, recent past though it be, by reason of occasional perfervid outbursts of an angry few. Restraint is necessary. Threats are dangerous, and they are unnecessary. Violence is indefensible. Intimidation is an irritant, and is valueless as a remedy for labour’s wrongs. Workmen are entitled to demand just and equal laws, which they and all men are bound to respect and obey. If they coerce men to belong to a union, employers are equally justified in coercing men not to belong to a union. Unionists seem to forget this simple truth. Both are on the same plane. Until this important fact is duly recognised and acted upon the position of organised labour will continue to be unsatisfactory, strife will recur, hands will be idle, distress will prevail, and the resources of trade unions will be dissipated in angry contests.

24. *The Crisis—Duty of Labour Unions.*—That a crisis has arisen in the history of organised labour is certain. Decision upon decision have piled precedent upon precedent, and precedent may tend to industrial slavery, just as it has broadened down to religious liberty and political freedom. The unfavourable nature of the decisions is obvious, their far-reaching character is fraught with danger. A critical period has arisen when the whole superstructure of industrial organisation will have to be investigated from foundations to coping-stone and ridge of roof. Where weak, buttresses will have to be erected ; where otherwise defective, such structural alterations will

have to be made as may be needed. On the whole, the edifice is sound ; the foundations, except here and there, are good ; but it is the outcome of many hands ; several styles are apparent, some of which do not blend ; and the result is neither harmonious nor equally solid for its purposes. Unification is essential in the general design, though it need not be either wholly Classic or Gothic in all its multifarious details. But architect and builder must agree as to the general purposes of the building and as to the superincumbent weight which the foundations and walls have to carry, or the whole may come down with a crash, and great will be the fall thereof.

25. *Remedies for Wrongs not Impossible.*—The first thing that labour leaders and trade union officials have to do is to understand precisely the effect of recent decisions upon each form of organisation and each section of trade unionists, and then propound their demands and indicate the measures which are required, both for present safety and future development. Wild proposals are harmful and their acceptance impossible. Sound, practical suggestions may find their realisation in legislative action. Parliament is not so unwilling to redress a grievance as many would have us believe. The history of legislation during the last forty years proves this ; indeed, if we include the Factory and Workshop Acts, Mines Regulation Acts, and other measures, we might go back a century. Prove the injustice, the wrong, and Parliament will listen, will provide a remedy ; inadequate it may be, for that august assembly is not inclined to heroics. But it is as amenable to reason as an assembly of workmen, a trade union gathering, or a labour conference. The man who thinks otherwise, and especially he who derides it, can scarcely expect to win its confidence and gain assent to its proposals, which, after all, would in many cases be mere nostrums. Honest endeavour, practical knowledge, persistent effort, and upright conduct always find in the House of Commons an appreciative audience, and mostly a sympathetic desire to grant reasonable concessions.

26. *Measures Essential and Possible.*—I am not called upon to formulate a policy or frame a programme. I have no mandate so to do. I am not a labour leader; I am not, and never have been, a paid official of any trade union. My position now is that of an outsider and onlooker, but one who for fifty years has been closely identified with labour movements, and has done his full share of work in labour's cause. The men with whom I worked sought to secure to labour its rightful dues and to deprive capital of its wrongful advantages. To snatch from capital its rightful dues and give to labour wrongful advantages never entered into our minds. If our ideal has not been reached the British workmen are to blame, for, in the mass, they give scant support to those who labour in their behalf, but willingly accept the advantages. In spite of this much was done, if something still remained to be done by our successors. We never dreamt of substituting one tyranny for another. That might be change, but it certainly is not progress. Our great aim was to secure equality and justice, both in law and its administration. If the first seventy years of the nineteenth century be compared with the next twenty years, it will be obvious that enormous strides were made towards the attainment of that ideal.

27. *Essentials of New Legislation.*—Owing to the antagonism and indifference of the public, the opposition and influence of capitalists, and the apathy and lack of knowledge of trade unionists, we failed to secure two of our purposes, though we paved the way to their realisation. Those two might well constitute the basis of measures now needed, by reason of the recent decisions. They are : (1) Exemption from special punishment or penalty under the common law. (2) The repeal of such special criminal provisions in the Conspiracy and Protection of Property Act, 1875, and other Acts, as apply only to labour—that is, to workmen in combination. As regards the first, workmen were exempted from “indictment or prosecution for conspiracy or any other criminal information or punishment whatever under the Common or the Statute

Law," by 5 George IV., c. 95, in 1824. "The Common" Law was deleted in 1825, but it is significant that it was carried by the Parliament of 1824, when labour had no voice in or out of Parliament, being voteless. With respect to the second our demand was, throughout the sixties and the early seventies, when the labour laws were discussed, that all such offences as were then enumerated in the Act of 1825, and were subsequently embodied in the Act of 1875 and other Acts analogous thereto, should be dealt with under the general law, as embodied in the Malicious Injuries to Property Act, 1861 (24-5, Vict., c. 97), and the Offences Against the Person Act, 1861, 24 & 25 Vict., c. 100), and Acts amending the same, or substituted therefor. If the provisions in those and similar Acts are weak let them be strengthened, but make the law general, universal in application in all cases, whether the offence arises or is committed in connection with labour or otherwise. Some amendment of the law as regards civil procedure and damages is also necessary in face of the recent decisions, but there ought to be no insuperable difficulty in framing and carrying an equitable measure. Exemption from responsibility where a wrong is absolutely done is, however, impossible and undesirable.

28. *Vantage Ground of Labour in 1902.*—The question of being able to effect changes in law favourable to labour is one of importance, and requires comparative treatment. When the battles were fought from 1859 to 1875, trade unions were weak, numerically and financially, in comparison with those of to-day (1902). Up to 1868 only an inconsiderable proportion of working men were voters, the majority were still unenfranchised in 1884. In 1874, for the first time, two labour members were returned to Parliament—Alexander Macdonald and Thomas Burt; before that date labour was voiceless in the House of Commons. In 1880 one other member was returned, making a total, all told, of three.

29. *Labour Leaders in Parliament.*—After the Enfranchisement Act and Redistribution of Seats Act, in 1884-5, at the General Election, 1885, labour represen-

tation largely increased, since when the number of labour members has fluctuated between twelve and nine, the latter being the present number (February, 1902). When the Labour Laws were passed in 1875 there were only two, now there are nine. With this accession of strength in the House of Commons, and with the possibilities of further additions, workmen having the majority of votes in numerous constituencies, it is nonsense to talk about the disabilities of labour. The working classes have political power; they can control the voting machine; if they elect to grumble and fulminate when they ought to act and work, then they deserve to suffer for their supineness and lack of initiative. A few diligent, active, able, and persistent men in the House of Commons can do much if they act unitedly and have a good case. They need not stand alone as an "independent labour party"; indeed, if they do, the chances are that they will frustrate their own object. There are many in the House of Commons, employers and others, who will support a good cause and promote good legislation, even when that legislation is, to all intents and purposes, favourable to labour, and not in the interests of their class.

30. *Communal Sphere of Influence.*—The word "Communal" is here used to denote all forms of local government in this country, and they are many. No other single word is so comprehensive in its application. Thirty years ago there was scarcely a city or town in this country in which labour, as such, found a voice in any public assembly, constituted as a local authority. The franchise was limited in certain cases, and where all resident ratepayers had the vote, labour representatives were conspicuous by their absence. Within the last twenty years important changes have taken place, all favourable to labour. Now its voice is heard in the municipal chambers of cities and boroughs; in County, District, and Parish Councils; on local boards of all kinds, on School Boards, on Boards of Guardians, and in the vestries, or what still remains of them, in the metropolis. In administrative work, as in legislation,

labour representatives have a distinct voice, powerful or weak, according to the activity and zeal of the working class ratepayers in the various local areas constituting the respective elective constituencies. The sphere of influence is thus extended in all directions, and if the representation of labour is unequal, the fault lies with the voters, a large proportion of whom are, in the majority of such constituencies, of the working class.

31. *Borough Magistrates*.—In recent years a number of well-known local labour leaders have been appointed justices of the peace in cities and boroughs. These appointments have been notably large in the great counties of Lancashire and Yorkshire, in some of the Midland counties, and in the city of Glasgow. Some also find their way to the bench of magistrates temporarily, as the chairmen of borough councils and of vestries. Thus labour takes a share in the administration of the law, no mean advantage, especially in cases affecting the welfare and interests of the working classes in the locality. Such men may not always be cordially welcomed by "the classes" by whose side they sit, but they exercise an equal voice with that of the squire, the parson, or employer of labour. If the justice so appointed fail in his capacity as magistrate, the fault must lie with him individually, not with the more liberal system adopted. All such advances are conducive to the well-being of the masses; they tend to break down class prejudices, and promote healthier co-operation for the common good. The influence thus exerted naturally extends in various other directions, with results always more or less favourable to the cause of labour.

32. *Labour Department, Factory Inspection, &c.*—It is only in recent years that workmen could hope to obtain sufficient recognition, to be selected for posts of honour in the State. Such positions were mostly reserved for the progeny of "the classes," secured by patronage, given to relations, or to some political or other ally. Competition and examination opened the door to others, and thus widened the selection of aspirants for the

several posts where there were vacancies. Nevertheless the first appointments of men of the working class were in the form of patronage, in the gift of the minister of the department personally concerned. In this way some labour leaders of capacity, good repute, and qualified for the several posts were appointed inspectors under the Factory and Workshop Acts, and officials in the Labour Department of the Board of Trade. The selection of Mr. John Burnett and Mr. C. J. Drummond for the latter was excellent from all points of view. The factory inspectors also have earned their meed of praise from the Home Office. Two labour members have also held office—Mr. Broadhurst, under the Secretary of State for the Home Department, and Mr. Burt at the Board of Trade. Such positions as those named will be more and more available as time goes on, if the aspirants are able to fulfil the conditions and qualifications therefor.

33. *Labour's Present Power to Resist Attack.*—With all the combined advantages previously set forth, and with the accumulated influences now at labour's command, it seems the veriest cowardice to whine and wail on the platform and in the Press, because some recent decisions in courts of law have curtailed the freedom of trade unionists and threatened the stability of the unions. It is not desirable to minimise the grave effects of such decisions, nor is it wise to exaggerate them. The one thing needful is to appraise their consequences at their just value, to weigh the possible results, and then to formulate measures for the future. That labour will have again to cross swords with capital, in the political arena and on the floor of the House of Commons, is certain; but it can do so without fear or dismay. Its forces are to a great extent organised. It has immense resources at command. Its leaders have had ample experience, or have at their command the experience of others, enshrined in the history of labour movements. It will have the support of many outside the ranks of labour, if the demands made are just, are practically realisable, and are put forward in a way to evoke appre-



ciation and command support. These considerations are essential if the labour leaders and the officials of trade unions really desire to achieve success.

34. *Labour's Aspirations, Utopian and Otherwise.*—This work was not intended to be a treatise on Sociology, or to propound schemes of a new moral world—dreams of idealists or of disordered minds, some of which are even more repugnant than the “capitalism” of to-day, with all its incongruities, its cruelties, and its demoralisation. Universal panaceas are frauds, whether propounded by quacks, physical, mental, moral, religious, or industrial. Even the most ignorant should know that what might cure a festered finger would be no remedy for the tooth-ache. The ills that flesh is heir to are many and varied, and the remedies to be applied must of necessity be suitable in each case. The “aspirations of labour” differ in character and degree, according to time, circumstances, and to the “dreamer of dreams,” who undertakes to voice them. Plato, More, Bacon, Owen, Ruskin, Bellamy, each had ideals, but poor humanity is not much the better, materially, for any of them. Intellectually we may be, but the theories of those idealists have found no permanent resting-place in the world. Owen’s best work was educational and co-operative, especially as regards factory management and legislation pertaining thereto. His “New Moral World” is unrealised, and is perhaps unrealisable. Humanity is too slow to adapt itself to doctrinaire ideals.

35. *Socialism.*—The socialism of Robert Owen was voluntary and personal. It sought to merge the individual, in certain directions, into a collective community, as regards labour, distribution of its products, educational developments, dwellings, &c., each partaking according to his contributions to the whole. He did not contemplate State socialism as now advocated. The Social Democratic Federation—its leaders and followers, clamour for State regulation—that “all the means of production, distribution and exchange” shall be appropriated by the State, and be utilised for the nation collec-

tively. The whole population is to be submerged, not the tenth merely ; individual action is to be so restrained that it shall practically cease to operate, except as a cog in the wheel of progress, a minute atom in the vast, intricate, all-powerful, and masterful machine, managed by that most incompetent of all authorities for such purposes—"The State." The world has been favoured with a concrete example, in Bellamy's "Looking Backwards"—why, even the present system is better than that. It would not suit the "street-corner men," because of the absence of "beer and skittles." It is too absurd. For good or for evil, each atom of humanity is endowed with individualism, with characteristics as diversified as the human countenance ; to annihilate these would be to destroy humanity.

36. *Anarchism*.—The monstrous thing called "anarchism" needs hardly to be discussed. It is too cruel in its methods, too outrageous in its designs, too uncertain as to its objects and aims. The good, the pure, the noble are as much at its savage mercy as the tyrant, the ignoble, the base. Its weapons are the assassin's knife, dagger, or pistol, used in the dark, or otherwise, treacherously in any case. The "tyrannicide" had at least this plea—he did it to rid the world of a despot, a despoiler of the people, perhaps a murderer by deputy. The anarchist has not even this plea. In the case of Abraham Lincoln the "tyrannicide" could not plead that defence. Anarchists are foes to liberty and to progress ; they give solid excuse for reactionary measures.

37. *Co-operation*.—Here we are on safer ground. It is a veritable effort, on peaceful lines, to solve the labour and some other social problems. Its efforts at production are, however, on limited lines as compared with its distributive achievements. The fault lies less with the leaders than with their followers. In the latter timidity, jealousy, lack of discipline prevail. But co-operative production is one of the forms of self-help which will develop and extend as time goes on. There capital and labour go hand in hand. Its possibilities are enormous, its advantages are stupendous, but its progress depends upon the

varying moods of the mass of the workers, a quantity incalculable.

38. *Trade Unionism as a Remedy*.—No man in his senses, with a full knowledge of all the facts, would pretend that trade unionism is the highest ideal in relation to labour. At its best it is but a palliative—yet how far-reaching, how vast its powers for good as a protection to labour! “For forms of faith let angry zealots fight”—for beau ideals and utopias also, say I. It is the only power which can effectively enter into and enforce collective bargaining, and so put labour on a level with large employers, great firms, and huge companies. These companies are also collective, and in their hands the individual workman is powerless. The whole business of the world is carried on by a system of bargaining and competition, often dishonest and corrupt, not unfrequently distressful and cruel. The trader seeks to protect himself by all the means in his power against competitor and customer alike. He is the seller, and he fixes the price of his commodity, subject to modification, at his own sweet will, or perforce, as the case may be. The workman is the seller of his labour; he seeks at least a voice in fixing its value or its price. The employer, who is the buyer, has always regarded this as monstrous—he, the buyer, must fix the price and the conditions. This is an inversion of the law and practice in the commercial and trading world.

39. I look at Capital and Labour as it is, its relationship in the industrial world. Capital is represented by the employer, labour by the workman, the legal tie is that of hirer and hired. Others may rail at capitalism, and espouse collectivism; I am content, in this workaday world, to try and do something to bring the two forces more into line; to equalise, as far as may be, the conditions for fair bargaining between them, so that the one shall have a fair day's wage for a fair day's labour, the other a fair day's work for a fair day's wage. “Ah!” some one will exclaim, “what is a fair day's wage and a fair day's work?” That, in sober truth, is a matter to be adjusted honourably by the two parties. Whatever

will help to promote that end is worth striving for, whether it be by arbitration, conciliation, negotiation, sliding scales, profit sharing, co-operation, or other method. This is the legitimate work of trade unions. To overthrow capitalism may be the province of the "social innovator," if so be that capitalism is to be overthrown, and what is called "collectivism" is to be substituted in its place. For the present it is sufficient to consider how best to adjust differences, remove obstacles, smooth difficulties, and induce employers and workmen to meet as men in friendly intercourse, and not as implacable industrial foes.

40. *Educational Advantages.*—Working people of today, under forty years of age, can have no conception of the disadvantages of all sections of the working class prior to the passing of the Elementary Education Act of thirty years ago. How the labour leaders and trade union officials of that date, and previously, obtained sufficient education to enable them to occupy responsible positions and fulfil the duties thereby involved, is in many respects a mystery. "School places" were absurdly insufficient; the tuition given was meagre; the time spent in school was inadequate and irregular; education as a necessity was only recognised by the comparatively few. Fifty years ago public free libraries were unknown. Newspapers, as a rule, were dear. Books were generally high in price, though the age of cheap literature had dawned upon the land. Now every poor man's child can have free elementary education of the best; evening continuation schools abound, though still at a disadvantage; there are scholarships and "exhibitions" for clever and industrious children, to whom even the universities are open. There are polytechnics and science and art classes for the promotion of technical education. There are free libraries, museums, and picture galleries in most of the larger cities and towns. Cheap newspapers, journals, and magazines abound. Books are plentiful and cheap, aye, even of the best. The portals of learning are open wide; the poorest may enter in. With all these advantages the

workmen of to-day can, if they so will it, attain positions altogether unattainable half a century ago, except in very rare instances. But it means work. Ambition, high character, application, the full use of opportunity, self-reliance, and self-restraint will ensure success in any well-chosen path in life.

41. *Conclusion.*—In this attempt to trace the history of labour struggles to secure for working people their just dues, I am not unmindful of faults on both sides. Education, social distinctions, and surrounding circumstances, account for much in this connection. If the utterances of some were taken as gospel truth, employers would appear to be all devils, and the employed all angels. That is not my experience.

“Honour and worth from no conditions rise,  
Act well your part, there all the honour lies.”

A juster appreciation of relative positions, of mutual duties and responsibilities, will lessen the friction which now obtains. The man that under-works is as bad as the man who under-pays. The surest ground to stand upon is honesty, integrity. It is dishonest competition that is eating at the heart of trade and commerce, and gigantic monopolies, founded merely upon accumulated wealth, that are undermining our industrial system. Capital and labour are the two great forces that rule the world. The one is the complement of the other. They are related; they should co-operate, act together. In mutual sympathy, and with a just regard for each other's interests, may be found the solution of the labour problem, and the happiness of the human race.

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